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MANUAL

—OF THE—

HEALTH LAWS

—OF THE—

STATE OF OHIO.

COMPILED BY THE

STATE BOARD OF HEALTH.

1887.

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MANUAL

—FOR THE USE OF—

BOARDS OF HEALTH

—OF—

OHIO,

CONTAINING THE STATUTES RELATING TO THE PUBLIC HEALTH AND THE DECISIONS OF THE SUPREME COURT IN REFERENCE TO THE SAME SUBJECT.

JANUARY 1, 1887.

PREPARED BY DIRECTION OF THE STATE BOARD OF HEALTH.

CUYAHOGA FALLS, O.:
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INTRODUCTION.

This Manual, containing all the statutes relating to the public health, has been prepared under the direction of the State Board of Health.

So far as practicable the decisions of the Supreme Court construing and applying the laws will be found under the appropriate sections.

The marginal notes refer to the chapter and section of the Revised Statutes of Ohio, where each section so indicated may be found.

Many of the statutes have been in force in this State many years, but it is not exceeding the bounds of truth to say that not sufficient attention has been given to their due enforcement. The creation of the State Board of Health under the Act passed April 14, 1886, it is hoped will result in giving due effect to every enactment of this State calculated to protect the community from noxious influences affecting life and health. To this end the Board of Health is clothed with full and complete powers by the Act referred to.

In cases of epidemic they are required to act promptly, and it is important that in a work of this kind they have the active co-operation and assistance of the various executive, judicial and ministerial officers of the State in order that the public health, which is above all other interests, be duly protected.

For convenience the "index" refers to the sectional numbering prepared for this volume. The statutory sections are referred to in marginal notes.

MANUAL.

STATE BOARD OF HEALTH.

An Act to create and establish a State Board of Health in the State of Ohio, passed April 14, 1886.
[*O. L. vol.* 83, *page* 77.]

Appointment of State Board of Health.

Terms of members; vacancies. O. L., Vol. 83, p. 77.

1. The Governor, with the advice and consent of the senate, shall appoint seven persons, who (with the Attorney General, who shall be ex-officio a member of said board) shall constitute the State Board of Health; provided, that the terms of office of the seven first appointed shall be so arranged that the term of one shall expire on the 13th day of December of each year, and the vacancies so created, as well as all vacancies occurring otherwise, shall be filled by the Governor, with the advice and consent of the senate; and provided, also, that appointments made when the senate is not in session, may be confirmed at its next ensuing session.

General duties of Board. O. L., Vol. 83, p. 77.

2. The State Board of Health shall have the supervision of the interests of the health and life of the citizens of the State. They shall make careful inquiry in respect to the causes of disease, and especially the invasion or spread of any infectious or contagious, epidemic, or endemic disease, and investigate the sources of mortality, and the effects of localities, employments, conditions, ingesta, habits, and surroundings on the health of the people; and shall investigate the causes of diseases occurring among the stock and domestic animals of the State, the methods of remedying the same by quarantine or otherwise, and shall gather information in respect to such matters, and kindred subjects for dissemination among the people. They shall advise officers of the government, or other State boards, in regard to the location, drainage, water supply, disposal of excreta, heating and ventilating of public buildings. They shall collect and preserve such information relating to forms of disease and death as may be useful in the discharge of the duties of said board. It shall be the duty of all local boards of health, health authorities and officials, officers of State institutions, police officers, sheriffs, constables, and all other officers and employes of the State, or any county, city or town thereof, to make and enforce such quarantine and sanitary rules and regulations as may be necesary to protect the public health, in so far as the success and efficiency of the Board of Health may depend thereon, and in the event of

Penalty for nonfeasance. O. L., Vol. 83, p. 77.

failure or refusal on the part of any member of said boards, or other officials or persons in this section mentioned to so act, he or they shall be subject to a fine of not less than fifty dollars upon first conviction, and upon a conviction of second offense of not less than one hundred dollars.

Vital statistics. O. L., Vol. 83, p.78.

3. The Board of Health shall have supervision of the State system of registration of births and deaths as hereinafter provided; they shall make up such forms and recommend such legislation as shall be deemed necessary for the thorough registration of vital and mortuary statistics throughout the State. The secretary of the Board shall be the superintendent of such registration. The clerical duties and the safe-keeping of the bureau of vital statistics thus created shall be provided by the Secretary of State.

Reports to Board of contagious diseases. O. L., Vol. 83, p. 78.

4. It shall be the duty of boards of health, health authorities or officials, and of physicians in localities where there are no health authorities or officials, to report to the State Board of Health, promptly upon discovery thereof, the existence of any one of the following diseases which may come under their observation, to-wit: Asiatic cholera, yellow fever, smallpox, scarlet fever, diphtheria, typhus and typhoid fever, and of such other contagious or infectious diseases as the State Board of Health may from time to time specify.

Penalties; how applied. O. L., Vol. 83, p. 78.

5. All amounts recovered under the penalties herein provided, shall be appropriated to a special fund for the carrying out of the objects of this law.

Meetings of Board; conduct of business. O. L., Vol. 83, p. 78.

6. The first meeting of the Board shall be within thirty days after their appointment, and thereafter in January and June of each year, and at such other times as the Board shall deem expedient. There shall not be more than three called sessions of the Board in any one year, and no session of the Board shall continue longer than three days. The meeting in January of each year shall be in Columbus. A majority shall constitute a quorum. They shall choose one of their number to be president, and they may adopt rules and by-laws for their government, subject to the provisions of this act.

Secretary of Board; his salary; compensation of members. O. L., Vol. 83, p. 78.

7. They shall elect a secretary, who shall perform the duties prescribed by the Board and by this act, and who shall, upon cause, be removed by a majority vote; he shall receive a salary, not to exceed sixteen hundred dollars ($1600) per annum, which shall be fixed by the Board; he shall also receive his traveling and other expenses incurred in the performance of his official duties. The other members of the Board shall receive five dollars per day, and their traveling and other expenses while employed on business of the Board. The president of the Board shall, quarterly, certify the amount due the members, and on presentation of his certificate the Auditor of State shall draw his warrant on the Treasurer for the amount.

Annual report of Board. O. L., Vol. 83, pp. 78 and 79.

8. It shall be the duty of the Board of Health to make an annual report, through their secretary or otherwise, in writing, to the Governor of the State, on or before the first day of November of each year, and such report shall include so much of the proceedings of the Board, and such information concerning vital statistics, such knowledge respecting diseases, and such

instructions on the subject of hygiene, as may be thought useful by the Board for dissemination among the people, with such suggestions as to legislative action as they may deem necessary.

LOCAL BOARDS OF HEALTH.

Powers of municipal corporations. R. S., Vol. III, Sec. 1692.

9. In addition to the powers specifically granted in this title, and subject to the exceptions and limitations in other parts of it, cities and villages shall have the general powers enumerated in this section, and the council may provide by ordinance for the exercise and enforcement of the same.

Boards of Health. 24.

a. To establish a board of health and invest it with such powers and impose upon it such duties as may be necessary to secure the inhabitants from the evils of contagious, maglignant and infectious diseases.

Where an act [77. O. L., p. 89; amending R. S. Section 2141.] provided that there should be no board of health in cities of the first grade of the first-class and cities of the first grade of the second class, and devolved their duties on the police commissioners, but the Legislature had previously extinguished the police commissioners in cities of the first grade of first-class; held, The designation of the latter grade of cities in said first named act must be construed to be a clerical error, the evident intention being to abolish the board of health only where its duties could be performed by the police commissioners. [State ex. rel. v. Hornberger. 5 Bull. 626.]

Municipal Boards of Health outside of Cinnati. O. L., Vol 83, p. 174, Sec. 2113.

10. When the council of a city or village, other than cities of the first grade of the first-class, establishes a board of health, such board shall be composed of a mayor, who shall be president by virtue of his office, and six members to be appointed by the council, who shall serve without compensation, and a majority of whom shall constitute a quorum.

Term of office of members. R. S., Sec. 2114.

11. The term of office of the members of the board shall be three years from the date of appointment, except that those first appointed shall be classified as follows: two to serve for three years, two for two years, and two for one year, and thereafter two shall be appointed annually.

May appoint health officer, clerk, etc. R. S., Sec. 2115.

12. The board may appoint a health officer, a clerk, as many ward or district physicians as it may deem necessary for the care of the sick poor and such other persons as may be in need, and define their duties and fix their salaries; and all such appointees shall serve during the pleasure of the board.

Suppression of nuisances by Boards of Health. R. S., Sec. 2116.

13. The board of health may abate and remove all nuisances in the corporation, and assess the costs and expenses of the same upon the property wherein such nuisance is situated, which assessment, when duly certified by the president of the board to the County Auditor, shall become a lien, to be collected as other taxes in favor of the corporation; compel the owners, agents, assignees, occupants, or tenants of the lot, property, house, or building upon or in which any nuisance may be, to abate and remove the same; regulate the construction, arrangement, emptying, and cleaning of all water closets and privy vaults; create a complete and accurate system of registration of births, marriages, deaths, and interments occurring in such corporation, for the purposes of legal and genealogical investigations, and to furnish facts for statistical, scientific, and particularly for sanitary inquiries; and when complaint is made, or a reasonable

Registration of marriages, births and deaths, etc.

belief exists, that an infectious or contagious disease prevails in any locality or house, the board may visit such locality or house, make all necessary investigations by inspection, and on discovering that such infectious or contagious diseases exist, send the person so diseased to the pest-house or hospital.

Registry of births, marriages and deaths in Cincinnati. O. L., Vol 82 p. 177, Sec. 2117.

14. In cities of the first grade of the first-class, which, for this purpose alone, shall be co-extensive with the county, it shall be the duty of physicians and professional midwives to keep a registry of the several births at which they have assisted professionally, which registry shall contain the time of such birth, sex, and color of the child, and the names and residences of the parents. Clergymen and other persons authorized to solemnize marriages, shall keep a registry of all marriages solemnized by them. Physicians who have attended deceased persons in their last illness, and undertakers and sextons who have buried deceased persons, shall keep a registry of the name and age of such persons, and their residence at the time of their death; and all such physicians, professional midwives, clergymen, and all persons authorized to solemnize marriages, undertakers and sextons, shall report to the board of health all births, marriages and deaths occurring within the limits of such city, as registered by them, which reports shall be made as often as the board of health may require.

Duty of physicians, house-owners, etc., to give notice of prevalence of infectious diseases. R. S., Sec. 2118.

15. The owner, or agent of the owner, of a house in which a person resides who has the small-pox, or any other disease dangerous to the public health, and the physician called to attend the person so affected, shall, within twenty-four hours after becoming cognizant of the fact, give notice thereof to the board of health; and when a person, so affected, is removed to a pest-house, or hospital, the board of health is empowered to use all necessary means to restrain him of his liberty, until the danger of infection, or contagion, from such disease, ceases.

Permit to convey corpse. R. S., Sec. 2119.

16. No person shall convey a corpse to or from any city, without a permit from the board of health.

Health provisions; penalty for non-compliance. O. L., Vol. 83, p. 154, Sec. 2120.

17. Any person other than an officer, who fails to faithfully comply with any of the provisions of the four preceding sections, shall pay a fine not exceeding fifty dollars.

Punishment of infected person for escaping, etc. R. S., Sec. 2121.

18. A person removed to a pest-house, or hospital, who willfully leaves or escapes therefrom, before the phycisian thereof issues a certificate of restored health, shall be fined not less than five, nor more than fifty dollars, or imprisoned not less than one, nor more than ten days.

Regulation to secure public health. R. S., Vol. III, Sec. 2122.

19. The council may grant power to the board of health to make such orders and regulations as it may deem necessary for the public health and for the prevention of disease, and such orders and regulations shall have all the force and effect of ordinances of the corporation, and the council of cities of the second grade of the first-class may grant power to the board of health to employ such number of scavengers for the removal of swill, garbage, and offal from the houses, buildings, yards, and lots within the city as it may deem necessary.

Duty as to brothels, etc. R. S., Sec. 2123.

20. The board of health, in cities of the first class, and, when empowered by resolution of the council, in cities of the second class, are authorized and directed to enter brothels and

houses of assignation, and make enumerations, as often as they may deem necessary, of the name, age and color of the inmates therein, and make a record thereof, in a book to be kept in the office of the board of health, open to the inspection of the members of the board, the police, and others.

Disposition of minor prostitute. R. S., Sec. 2124.

21. When a female, under the age of eighteen years, or believed to be under that age, is found in such brothel, or house of assignation, it shall be the duty of the board of health to return her to her home, if she has a home; and if such female has no home, then she shall be consigned to the house of refuge and correction of the corporation, or such benevolent institution, established for the reformation of abandoned females, as the board of health may elect.

When females shall be treated as a vagrant. R. S., Sec. 2125.

22. No such female shall be consigned to a house of refuge and correction, or benevolent institution, against her will; but in case she declines the care and protection tendered her, it shall be the duty of the board to report her to the mayor, or police court, forthwith, to be tried as a vagrant.

Treatment of diseased female; expense thereof. R. S., Sec. 2126.

23. When a female is found in a house of ill-fame, or assignation, affected with contagious or infectious disease, and is removed to, or if such person apply for admission to, any hospital, or pest-house, for treatment, the costs of such removal, and the expense of boarding and washing, while in such hospital, or pest-house, shall be paid by the proprietor of the house of ill-fame, or assignation, from which such patient is removed, or in which she was last an inmate; such payment shall be made before the patient is discharged from such hospital, or pest-house; and the expense of boarding, washing, and medical attendance, shall be a lien upon the house and premises in which such female shall have been so found, which lien may be enforced as other liens for the security of money.

Suit for recovery of such expense. R. S., Sec. 2127.

24. If the proprietor of such house of ill-fame, or assignation, fails or refuses to pay such expense, legal proceedings shall be immediately instituted against him, and such patient shall be held as a witness in the case.

Nuisances to be abated. R. S., Sec. 2128.

25. When any building, erection, excavation, premises, business, pursuit, matter, or thing, or the sewerage, drainage, or ventilation thereof, is, in the opinion of the board of health, in a condition dangerous to life or health, the board shall declare the same, to the extent it may specify, a public nuisance, or dangerous to life and health; and the board may order the same to be removed, abated, suspended, altered, or otherwise improved or purified, as in the order shall be specified, and shall cause the order, before its execution, to be served on the agent, owner, occupant, or tenant, or such of them as are in the corporation, and can be found.

Temporary suspension of order or abatement. R. S., Sec. 2129.

26. If a party so served, before the execution of the order is commenced, apply to the board to have the order or its execution stayed or modified, it shall be the duty of the board to temporarily suspend or modify it, and to give the party, as the case, in the opinion of the board, may require, a reasonable and fair opportunity to be heard before the board, and to present proofs and facts against the declaration and the execution of the order, or in favor of its modification.

Modification or re-affirmation of order. R. S., Sec. 2130.

27. The board shall enter upon its minutes such facts and proofs as it may receive, and its proceedings on the hearing, and thereafter may rescind, modify, or re-affirm its former declaration and order, and require execution of the original or of a new or modified order, in such form as it may finally determine.

Appointment of sanitary police by board of health. R. S., Sec. 2131.

28. The board of health shall have power to appoint as many persons for sanitary duty as in its opinion the public health and sanitary condition of the corporation may require; and such persons shall have general police powers, be known as the sanitary police, perform such duties for the promotion of the public health; and such other duties as the board of health may direct, and shall serve during the pelasure of the board.

Appointment of sanitary police. O. L., Vol. 83, p.115, Sec. 2131, a.

29. In all cities of the second grade of the first-class the board of health shall have power to appoint as many persons for sanitary duty as in its opinion the public health and sanitary condition of the corporation may require, not exceeding one for each fifteen thousand inhabitants, as shown by the last federal census: But the board shall have power in cases of emergency, to appoint as many special sanitary police as it may think proper, and such appointees as special police shall serve during the pleasure of the board; and all such persons shall have general police powers, be known as sanitary police, perform such duties as the board of health may direct, and for such services shall receive a salary fixed by the board, of not less than seven hundred and eighty dollars per annum.

Powers, duties and salaries.

When such police shall be dismissed. R. S., Sec. 2132.

30. When, in the opinion of the board of health, the services of a member of the sanitary police is no longer required, he shall, on recommendation of the board of health, be returned to duty as a regular policeman, or be dismissed, as the mayor, or, in cities of the first and second grades of the first class, and cities of the first grade of the second class, the police commissioners may direct.

Removals and suspensions. O. L., Vol. 83, p.115. Sec. 2132, a.

31. In all cities of the second grade of the first class the board of health may, for cause to be assigned, on a public hearing, and on due notice, according to rules promulgated by it, remove or suspend from office, or for any definite time deprive from pay, any member of such sanitary police force; it may make rules and regulations for the government and discipline of the force, and cause the same to be published.

Regulations.

Milk, meat, butter, and cheese inspectors. R.S., of '83 Vol. III, Sec. 2133.

32. The board of health may appoint such number of inspectors of milk and meat, and such number of inspectors of butter and cheese, and substances purporting to be butter or cheese, or having the semblance of butter or cheese, and as many market-masters and such other persons as may be necessary to carry out the provisions of this chapter, define their duties and fix their compensation; and such inspectors of milk shall keep, for public inspection, a record of the names and places of business of all persons engaged in the sale of milk.

Places where milk, butter, cheese, etc., are made subject to inspection. R. S. of '83, Vol. III, Sec. 2134

33. All dairies, including the cows, cow-stables, milk-houses, and milk-vessels, the owners of which offer for sale within the limits of the corporation milk or butter manufactured by such owners, shall be subject to inspection by the inspectors, and also any manufactory of butter or cheese, or of substances having the semblance of butter or cheese, or places where such substances or either of them are sold, shall be subject to inspection by the inspectors;

that officer may enter any place where milk is sold or kept for sale, and all carriages used for the conveyance of milk within the corporate limits; and also any manufactory or place where butter or cheese, or substances having the semblance of butter or cheese are manufactured, or any place where such substances are sold or kept for sale within the corporate limits; and whenever he has any reason to believe milk found therein is impure or adulterated, or any butter or cheese, or substances having the semblance of butter or cheese found therein contain any impure, unwholesome or deleterious substance, or is being sold or offered for sale under any false or deceptive name or designation, that any butter or cheese not made from pure cream or milk or any substance having the semblance of butter or cheese, is being sold or offered for sale without being branded or stamped as required by section 7090, he shall take specimens thereof and subject them to satisfactory tests; or, if the board of health so direct, to chemical analysis, the result of which he shall record and preserve as evidence, and a certificate of such result, sworn to by the analyst, shall be admissible in evidence in all prosecutions under this chapter, or any law of this State.

Analysis of milk, butter, etc.

34. The board of health may take measures and supply agents, and afford inducements and facilities for gratuitous vaccination and disinfection, may afford medical relief to and among the poor of the corporation as, in its opinion, the protection of the public health may require, and during the prevalence of any epidemic may provide temporary hospitals for such purposes; and the said board is hereby required to inspect semi-annually, and oftener if in the judgment of the board, it shall be deemed necessary, the sanitary condition of all schools and school buildings within the limits of the corporation.

Powers of board of health; gratuitous vaccination, etc. R. S., of '83, Vol. III, Sec. 2135

35. It shall be the duty of the board of health, on or before the first Monday of March in each year, to make a report, in writing, to the council of the corporation, upon the sanitary condition and prospects of such city or village, which report shall contain the statistics of deaths, the action of the board and its officers and agents, and the names thereof for the past year; and it may contain other useful information, and the board shall suggest therein any further legislative action deemed proper for the better protection of life and health.

Sanitary reports, its contents, etc. R. S., Sec. 2136.

36. Whoever violates any provision of this chapter, or any order of the board of health made in pursuance thereof, or obstructs or interferes with the execution of any such order, or willfully and illegally omits to obey any such order, shall be fined in any sum not exceeding one hundred dollars, or imprisoned for any time not exceeding ninety days, or both; but no person shall be imprisoned under this section for the first offense.

Penalty for violating order of board of health. R. S., Sec. 2137.

37. If such violation, obstruction, interference, or omission be by a corporation, it shall forfeit and pay to the proper city or village, any sum not exceeding one hundred dollars, at the discretion of the court, to be collected in a civil action brought in the name of such city or village; and any officer of such corporation consenting to such violation, shall be subject to imprisonment as above provided.

Violation by a corporation. R. S., Sec. 2138.

38. Prosecutions under this chapter, and the civil action provided for in the preceding section, shall be instituted before any tribunal within the municipal corporation having jurisdiction thereof.

Prosecutions, how instituted. R. S., Sec. 2139.

Provision for expenses of board of health. R. S., Sec. 2140.

39. When expenses are incurred by the board of health, under the provisions of this chapter, it shall be the duty of the council, upon application and certificate from the board of health, to pass the necessary appropriation ordinances to pay the expenses so incurred and certified; and the council is hereby empowered to levy, subject to the restrictions contained in the ninth division of this title, and set apart, the necessary sum to carry into effect the provisions of this chapter.

Who shall act in place of the board of health. O. L., Vol. 82, p. 58, Sec. 2141.

40. In cities of the third grade of the first class, and in cities of the first grade of the second class, there shall be no board of health, but the board of police commissioners in cities of the third grade of the first class, and the board of control in cities of the first grade of the second class, shall exercise all the powers and perform all the duties of the boards of health and mayors in this chapter.

Health officers of cities or villages may establish quarantine stations. R. S. of '83, Vol. III, Sec. 2142

41. Any city or village having a board of health, or "the standing committee on health of any city or village council, who may do and perform all the duties of a board of health, as prescribed in this chapter," or a health officer may establish a quarantine ground or grounds, within or without its own limits; but if such place be without its limits, and within the limits of any other municipal corporation, the consent of the corporation within the limits of which it is proposed to establish such quarantine shall be first obtained.

Railroads, vessels, etc., may be subjected to quarantine. R. S., Sec. 2143.

42. The board of health or the health officer may, in times of epidemics, or threatened epidemics, establish a quarantine on vessels, railroads, or any class of vehicles used for the purpose of transporting passengers, baggage, or freight, may make such rules or regulations as may be deemed wise and necessary for the protection of the health of the people of the community or state.

Effect of declaring quarantine. R. S., Sec. 2144.

43. Whenever quarantine is declared, all railroad and steamboat corporations, and the owners, consignees, or assignees of any railroad, steamboat, stage, or other vehicle used for the transportation of passengers, baggage, or freight, shall submit to any rules or regulations imposed by such board of health or health officer; they shall submit to any examination required by the health authorities respecting any circumstance or event touching the health of the crew and passengers, and the sanitary condition of the baggage and freight; and any owner, consignee, or assignee, or other person interested as aforesaid, who makes any unfounded declaration respecting the points under examination, shall, upon conviction thereof before any court or justice of the peace, be fined not more than one hundred dollars or imprisoned not more than six months, or both; and all fines thus collected, less costs, shall be turned over to the sanitary fund of the city or village where such quarantine may be established.

To whom and what quarantine rules shall apply. R. S., Sec. 2145.

44. All rules and regulations passed by the board of health or health officer, shall apply to all persons, goods, or effects arriving by railroad, steamboat, or other vehicle of transportation, after quarantine is declared.

Needful buildings may be erected. R. S., Sec. 2146.

45. The board of health or health officer shall be authorized to erect any temporary wooden buildings or field hospitals deemed necessary for the isolation and protection of persons or freight supposed to be infected; but such places shall be

constantly guarded by a competent force of at least three sanitary officers.

Sanitary inspectors may be appointed. R. S., Sec. 2147.

46. The board of health or health officer may appoint, during the time of quarantine, a sufficient number of sanitary inspectors, the salaries of whom shall be fixed by the council.

Power of council to borrow money and levy tax therefor in time of epidemic or threatened epidemic. R. S., Sec. 2148.

47. In case of any epidemic or threatened epidemic, the council shall have power to borrow until such times as the next levy and collections thereof be made, and at a rate of interest not to exceed six per cent., any sum of money that the board of health and council may deem necessary to defray the expenses of the aforesaid quarantine.

Board of health not legally established may be de facto officers and acts valid. [29 O. S. 261.]

NUISANCES.

Powers of municipal corporations to fill lots, remove obstructions, etc. O. L., Vol. 81, p. 38, Sec. 2149.

48. All municipal corporations shall have power to cause any lot of land within their limits on which water at any time becomes stagnant, to be filled up or drained, and to cause all putrid substances to be removed from any lot, and to cause the removal of all obstructions from all culverts or covered drains on private property, laid in any natural water-course, creek, brook or branch where the same obstructs the water naturally flowing therein, causing it to flow back or become stagnant, in a way prejudicial to the health, comfort, or convenience of any of the citizens of the neighborhood; and if such culverts or drains be of insufficient capacity, to cause the same to be made of such capacity as reasonably to accommodate the flow of such water at at all times therein; and the council may direct, by resolution, the owner to fill up or drain such lot, remove such putrid substance, or remove such obstructions, and if necessary enlarge such culverts or covered drains to meet the requirements thereof.

Duty of owner to comply with direction. R. S., Sec. 2150.

49. It shall be the duty of such owner, or his agent or attorney, after service of a copy of such resolution, or after a publication of the same in some newspaper of general circulation in such corporation for two consecutive weeks, to comply with the directions of the resolution within the time therein specified.

To be done at owner's expense, in case of refusal or neglect, etc. R. S., Sec. 2151.

50. In case of failure or refusal to comply with the resolution, the work required thereby may be done at the expense of the corporation, and the amount of money so expended shall be recovered from the owner before a justice of the peace, or other court of competent jurisdiction; and such expense shall, from the time of the adoption of the resolution, be a lien on such lot, which may be enforced by suit in the court of common pleas of the proper county; and like proceedings may be had as directed in relation to the improvement of streets.

Duty of health officers to enforce provisions of this chapter. R. S., Sec. 2152.

51. It shall be the duty of the officers connected with the health department of every such municipal corporation, to see that the provisions of this chapter are strictly and promptly enforced.

Offensive and noisy factories not to be erected or carried on within certain distance of any benevolent institution. R. S., Sec. 624.

52. It is unlawful for a person or an incorporated company to erect or carry on, within one hundred and twenty rods of Longview asylum, or any state benevolent institution, any rolling mill, blast furnace, nail factory, copper smelting works, boiler factory, petroleum oil refinery, slaughter house, tallow chand-

lery, or glue, soap, or starch factory, or any other works or business productive of unwholesome or noxious odors or gases, or loud noises, which may annoy or endanger the health, or interfere with the proper treatment of the inmates of such institution; but it is lawful for a person to file his petition in the court of common pleas in any county wherein such an institution is located, setting forth his desire to erect or carry on at less distance than that prohibited herein, naming the precise point, any of the establishments hereinbefore named, or any other works which might have a tendency to generate unwholesome or noxious odors, or in any way annoy or endanger the health or prevent the recovery of inmates of said institution, and the reasons and circumstances, in his opinion, why the erection or carrying on thereof would not so annoy or endanger the health or convenience, or endanger the recovery of the inmates of said institution; and shall give notice in some newspaper of general circulation in such county, of the pendency and prayer of such petition, for at least six consecutive weeks previous to the term of the court next to be held therein, and shall also serve a written notice upon the superintendent of the institution, at least thirty days before the day set for the hearing of the petition; thereupon, if, upon the hearing of the petition, it appears that due notice has been given, as herein required, and the court is of opinion that there exists no good reason why such establishment may not be so erected or carried on, and that by the erection or carrying on thereof at the point named, such institution will sustain no detriment, the court may issue an order granting the prayer of the petitioner; and thereafter he may proceed to locate such establishment or carry on such business at the point named in his petition, the same as if this section had not been passed.

If an individual erects a mill-dam which causes disease and sickness, he is responsible to individual sufferers in an action on the case for a nuisance. In such a case it is no defense that the injury affects the whole neighborhood. Nor is the civil remedy merged by an indictment and conviction: [Story vs. Hammond, 4 O. R., 376.]

A city erecting and controlling a work house is liable in damages for the corruption of a water-course into which it has run the sewage of the institution, just as a private individual would be liable. [Cleveland v. Beaumont, 4 Bull. 345; 2 Clev. Rep. 172.]

The power of creating municipal corporations necessarily implies authority to confer upon them such police powers as may be necessary for their internal government; and a resolution under the municipal act of 1852 directing lot owners "to fill and drain their lots in such manner as shall be necessary to remove all stagnant water," being a reasonable sanitary measure, was not in conflict with the constitution. [Bliss vs. Kraus, 16 O. S. 54.]

The judgment required by the statute, upon conviction for maintaining a nuisance, under the act of April 15, 1857, can not be dispensed with upon a showing that the nuisance does not exist at the time of rendering the judgment. The order to abate does not issue as a matter of course. If the nuisance has ceased, the order will not issue. [Smith v. State, 22 O. S. 539; Matthews v. State, 25 O. S. 536.]

OFFENSES AGAINST PUBLIC HEALTH.

Corporations may be prosecuted for nuisance. R. S., Sec. 6919.

53. Corporations may be prosecuted by indictment for violation of any of the provisions of sections *sixty-nine hundred and twenty-one, sixty-nine hundred and twenty-two, sixty-nine hun-*

dred and twenty-three, sixty-nine hundred and twenty-four, sixty-nine hundred and twenty-five, and sixty-nine hundred and twenty-six, and in every case of conviction under said sections the court shall adjudge that the nuisance described in the indictment be abated or removed, and may issue an order to the sheriff to execute such judgment at the cost and expense of the defendant.

Court to order nuisance abated.

54. An offense charged under either of said sections shall be construed and held to have been committed in any county whose inhabitants are or have been injured or aggrieved thereby, and the continuance of any nuisance for five days after prosecution commenced therefor shall be deemed an additional offense.

When certain nuisances deemed to have been committed.
Continuance of, a separate offense.
R. S., Sec. 6920.

55. Whoever erects, continues, uses, or maintains, any building, structure, or place, for the exercise of any trade, employment, or business, or for the keeping or feeding of any animal, which, by occasioning noxious exhalations, or noisome or offensive smells, becomes injurious to the health, comfort, or property of individuals, or the public, or causes or suffers any offal, filth, or noisome substance to be collected or to remain in any place, to the damage or prejudice of others, or the public, or obstructs or impedes, without legal authority, the passage of any navigable river, harbor, or collection of water, or corrupts, or renders unwholesome or impure, any water-course, stream, or water, or unlawfully diverts any such water-course from its natural course or state, to the injury or prejudice of others, or obstructs or incumbers, by fences, buildings, structures, or otherwise, any public ground or highway, or any street or alley of any municipal corporation, shall be fined not more than five hundred dollars.

Nuisances.
R. S., Sec. 6921.

56. Whoever builds, erects, continues, or keeps up, any dam or other obstruction, in any river or stream of water, and thereby raises an artificial pond, or produces stagnant water, which is manifestly injurious to the public health and safety, shall be fined not more than five hundred dollars.

Creating artificial ponds and stagnant waters.
R. S., Sec. 6922.

57. Whoever puts the carcass of any dead animal, or the offal from any slaughter house or butcher's establishment, packing-house, or fish-house, or any spoiled meats, or spoiled fish, or any putrid animal substance, or the contents of any privy vault, upon or into any lake, river, bay, creek, pond, canal, road, street, alley, lot, field, meadow, public ground, market-space, or common, and whoever, being the owner or occupant of any such place, knowingly permits any such thing to remain therein, to the annoyance of any of the citizens of this state, or neglects or refuses to remove or abate the nuisance occasioned thereby within twenty-four hours after knowledge of the existence of such nuisance upon any of the above described premises owned or occupied by him, or after notice thereof in writing from any supervisor, constable, trustee, or health officer of any municipal corporation or township in which such nuisance exists, shall be fined not more than fifty dollars nor less than one dollar.

Depositing dead animals, offals, etc., into or upon land or water.
R. S., Sec. 6923.

58. Whoever carries on the business of slaughtering, or tallow chandlery, or manufacturing glue, soap, starch, or other article, the manufacture of which is productive of unwholesome or noxious odors, in any building or place within one mile of Longview asylum, or any of the state benevolent institutions, or

Certain business and buildings are nuisances when near state benevolent institutions.
R. S., Sec. 6924.

erects, within one hundred and twenty rods of any state benevolent institution, any rolling-mill, blast-furnace, nail factory, copper-smelting works, boiler factory, petroleum oil refinery, or any other works which may generate unwholesome or noxious odors, or make loud noises, or which may annoy, or endanger the health or prevent the recovery of the inmates of any such institution, shall be fined not more than five hundred nor less than one hundred dollars; all property, real or personal, which is used with the knowledge of the owner thereof in violation of this section, shall be liable for the fines and costs assessed for such violation, without exemption.

Throwing coal, dirt, etc., into rivers, etc. R. S., Sec. 6925.

59. Whoever intentionally throws or deposits, or permits to be thrown or deposited, any coal dirt, coal slack, coal screenings, or coal refuse from coal mines, or any refuse or filth from any coal-oil refinery or gas works, or any whey or filthy drainage from a cheese factory, upon or into any of the rivers, lakes, ponds or streams of this state, or upon or into any place from which the same will wash into any such river, lake, pond or stream, shall be fined in any sum not more than two hundred nor less than fifty dollars.

Obstructing ditch, drain, or water-course. R. S., Sec. 6926.

60. Whoever willfully obstructs any ditch, drain or water-course constructed by proceedings before any board of county commissioners or township trustees, or diverts the water therefrom, shall be fined not more than one hundred nor less than ten dollars.

Befouling well, spring, etc. R. S., Sec. 6927.

61. Whoever maliciously puts any dead animal, carcass, or part thereof, or any other putrid, nauseous, noisome, or offensive substance, into, or in any manner befouls, any well, spring, brook, or branch of running water, or any reservoir of water-works, of which use is or may be made for domestic purposes, shall be fined not more than fifty nor less than five dollars, or imprisoned not more than sixty days, or both.

Selling unwholesome provisions. R. S., Sec. 6928.

62. Whoever sells any kind of diseased, corrupted, adulterated, or unwholesome provisions, whether for meat or drink, without making the condition of the same known to the buyer, and whoever kills, for the purpose of sale, any calf less than four weeks old, or sells, or has in possession with intent to sell, the meat of any calf which he knows to have been killed when less than four weeks old, shall be fined not more than fifty dollars, or imprisoned twenty days, or both.

Advertising secret drugs for use of females. R. S., Sec. 7029.

63. Whoever prints or publishes any advertisement of any secret drug or nostrum, purporting to be for the exclusive use of females, or which cautions females against their use when in a condition of pregnancy, or in any way publishes any account or description of any drug, medicine, instrument, or apparatus, for preventing conception, or for procuring abortion or miscarriage, or keeps for sale or gratuitous distribution any newspaper, circular, pamphlet, or book, containing such advertisement, account, or description, shall be fined not more than one thousand dollars, or imprisoned not more than six months, or both.

Selling or giving away secret drugs for preventing conception or procuring abortion. R. S., Sec. 7030.

64. Whoever sells, or gives away, or keeps for sale or gratuitous distribution, any secret drug or nostrum purporting to be exclusively for the use of females, or for preventing conception, or procuring abortion or miscarriage, shall be fined not more than one thousand dollars, or imprisoned not more than six months, or both.

FRAUDS.

65. Whoever puts into any barrel, cask, or other vessel, having the private stamp, brand, wrapper, label, or trade-mark usually affixed by any maker of wine from grapes grown within the state of Ohio, adulterated liquors, for the purpose of deceiving any person by the sale thereof, shall be fined not more than one hundred dollars, or imprisoned not more than twelve nor less than three months, or both.

Using vessel with private stamp affixed. R. S., Sec. 7073.

66. Whoever puts into any barrel, cask or other vessel, branded or marked pure by any inspector in this state, adulterated liquors, or knowingly sells or offers for sale such liquors in packages so branded, shall be imprisoned in the penitentiary not more than twelve months.

Putting adulterated liquors in branded packages. R. S., Sec. 7074.

67. Whoever adulterates any wine made, or juice expressed, from grapes grown within the state of Ohio, by mixing therewith any drugs, chemicals, cider, whisky, or other liquor, and whoever sells, or offers to sell, any such adulterated wine or grape juice, knowing the same to be adulterated, shall be fined in any sum not more than three hundred nor less than fifty dollars.

Adulterating domestic wines. R. S., Sec. 7081.

68. Whoever adulterates, for the purpose of sale, any spirituous, alcoholic or malt liquors used or intended for drink, or medical or mechanical purposes, with cocculus-indicus, vitrol, grains of paradise, opium, alum, capsicum, copperas, laurel water, logwood, Brazil-wood, cochineal, sugar of lead, aloes, glucose, tannic acid, or any other substance which is poisonous or injurious to health, or with any substance not a necesssary ingredient in the manufacture thereof; and whoever sells or offers or keeps for sale any such liquors so adulterated, shall be fined in any sum not less than twenty nor more than one hundred dollars, or be imprisoned not less than twenty nor more than sixty days, or both, at the discretion of the court. And any person guilty of violating any of the provisions of this section, shall be adjudged to pay, in addition to the penalties hereinbefore provided for, all necessary costs and expenses incurred in inspecting and analyzing any such adulterated liquors of which said party may have been guilty of adulterating, or selling, or keeping for sale, or offering for sale.

Adulterating or selling adulterated liquors, how punished. R. S., of '83, Vol. III, Sec. 7082

69. Whoever uses any active poison in the manufacture or preparation of any intoxicating liquor, or sells in any quantity any intoxicating liquor so manufactured or prepared, shall be imprisoned in the penitentiary not more than five years nor less than one year.

Manufacturing or selling poisoned liquors. R. S., Sec. 7083.

CONTAGIOUS AND INFECTIOUS DISEASES.

70. When complaint is made to the clerk of a township, or a reasonable belief exists that the small-pox or any other infectious or loathsome disease prevails in any locality or house therein, or in any adjoining township, and not within the limits of a city or incorporated village, said clerk shall call a meeting of the board of trustees of the township, and the board, if satisfied after investigation, that such action is necessary, shall restrain all persons except physicians and necessary attendants from visiting or frequenting such house or locality within the township, or coming

On complaint of infectious disease township clerk shall call a meeting of trustees, etc. R.S., of '83 Vol. III, Sec. 1462.

into the township from an infected locality in any other township, until the danger of infection or contagion therefrom has ceased, and they shall cause a copy of said order to be posted up in at least three of the most public places in the township.

Trustees to make regulations to prevent spread of disease. R. S. of '83, Vol. III, Sec. 1463

71. That the board of trustees shall have power to make and enforce all necessary health regulations to prevent the spread of small-pox or any other loathsome disease within the township, and restrain persons convalescing from small-pox, or knowing themselves to have been exposed thereto, from coming from infected localities into such townships; and any person violating such order or health regulation after the same has been published or posted up as provided in the next preceding section of this act, shall be liable to a penalty of not less than ten nor more than fifty dollars, and costs, to be recovered by said board of trustees on an action before any justice of the peace in said township, said penalties when collected to be paid to the township treasurer for township purposes.

Power of board to suppress nuisances, etc. R. S., Sec. 2015.

72. The board of police in cities of the first grade of the second class shall be vested with all the powers, and perform all the duties connected with and incident to the suppression and removal of nuisances and infectious diseases, and the appointment of sanitary police, conferred upon boards of health, as provided in chapter one of the sixth division of this title.

What cattle infected with disease shall not be brought into state. R. S., Sec. 4210.

73. No person shall bring into the state of Ohio any cattle infected with the disease commonly known as the "Texas or Spanish fever," or pleuro-pneumonia, rhinderpest, or other contagious diseases, or any cattle liable to impart such fever or disease to other cattle; but this section shall not affect common carriers who are not the owners of cattle. Whoever violates the provisions of this section shall be liable to any person injured by bringing such cattle into the state in the amount of any loss occasioned thereby, in addition to other penalties provided by law.

Presumptions in actions to recover damages for infection. R. S., Sec. 4211.

74. Whenever any Texas or Cherokee cattle, liable to impart disease, are brough into the state, and any such disease as "Texas or Spanish fever" makes its appearance within sixty days, and infects other cattle that have been on the same highway, common, or pasture ground traveled over by such Texas or Cherokee cattle with such disease, such fact shall be deemed and taken in actions to recover damages as prima facie evidence that such Texas or Cherokee cattle were infected with the disease known as the "Texas or Spanish fever," and that they imparted such disease; and the owner of such Texas or Cherokee cattle at the time they were brought into the state, and the owner of such cattle at the time the disease makes its appearance, shall be jointly and severally liable for any damages resulting from such disease.

Duties of carriers, and owners of stock-yards. R. S., Sec. 4212.

75. All railway companies and owners of steamboats used in conveying live stock, and owners of stock-yards and other premises that may be occupied by such stock, shall immediately upon discovering any contagious disease among stock occupying such cars, boats, yards, or other premises, take all possible measures to prevent such diseased stock from communicating the contagion to other stock, and shall, moreover, cause all such cars, boats, yards, and premises to be thoroughly disinfected before the same shall be occupied by other stock. Every corporation, and

company, their officers and employes, or individuals violating the provisions of this section, shall pay a penalty not exceeding five hundred dollars, to be recovered in any court of competent jurisdiction, and shall also be liable to parties injured for all damages that may be occasioned thereby.

Selling diseased animals, allowing same to run at large or come into contact with other animals. R. S., Sec. 6855.

76. Whoever, being the owner, or having the charge of any animal mentioned in section *sixty-eight hundred and fifty*, knowing the same to have any infectious or contagious disease, or to have been recently exposed thereto, sells, barters, or disposes of such animal without first disclosing to the person to whom the same is sold, bartered, or disposed of that such animal is so diseased, or have been so exposed, as aforesaid, or knowingly permits such animal to run at large, or, knowing such animal to be diseased as aforesaid, knowingly permits the same to come into contact with any such animal of another person without his knowledge or permission, shall be fined not more than five hundred nor less than twenty dollars, or imprisoned not more thirty days, or both.

Importing cattle infected with Spanish fever. R. S., Sec. 7003.

77. Whoever, except common carriers not the owners of cattle transported by them, brings into this state any cattle infected with the disease commonly known as the Texas or Spanish fever, or cattle liable to impart such fever to other cattle, shall be fined not more than five hundred nor less than fifty dollars.

Proclamation prohibiting importation of diseased live stock. O. L., Vol. 83, p. 138.

78. Whenever the governor of the State of Ohio shall have good reason to believe that any dangerous, contagious or infectious disease has become epidemic in certain localities in other states, territories, or counties, or that there are conditions which render domestic animals of such infected districts liable to convey such disease, he shall by proclamation prohibit the importation of any live stock of the kind diseased into the State, except under such regulations as may be prescribed by the State board of live stock commissioners and approved by the governor.

Appraisement and killing of diseased animals O. L., Vol. 83, p. 139.

79. When in the opinion of the commissioners provided for by the act to which this is supplementary, it shall be necessary to prevent the further spread of any dangerous, contagious or infectious disease among the live stock of the State, to destroy animals affected with, or which have been exposed to any such disease, it shall determine what animals shall be killed, and shall appraise or cause the same to be appraised by disinterested citizens as hereinafter provided, and cause such animals to be killed, and their carcasses to be disposed of as in the judgment of the commission will best protect the health of the domestic animals of the locality; provided, that no animals shall be appraised, except cattle affected with contagious pleuro pneumonia, or cattle, sheep or swine, affected with foot and mouth disease, or such as have been exposed thereto, nor shall any animal be slaughtered under the provisions of this act, unless first examined by a competent veterinarian in the employ of the commission, and the disease with which it is affected or to which it has been exposed adjudged to be a dangerous and contagious malady.

Compensation for animals destroyed. O. L., Vol. 83, p. 139.

80. In case of destruction of any animal under the provisions of this act, the compensation to be made for the same by the State, shall be computed upon the basis of the actual value of the diseased animal, if any, at the time of slaughter; for any animal

that has been kept in the same building or enclosure two-thirds of such value, and in case of other animals destroyed for the extinction of such disease, the full value of the same without reference to the suspicion of contagion; provided, that no compensation shall be made to any person who may have brought animals into the State affected with such contagious disease, or from a district in which such contagious disease existed, or who may have willfully concealed the existence of such disease among his stock or on his premises, or may have by willfull neglect or purposely contributed to the spread of such contagion, and in appraising animals to be slaughtered as herein provided, no allowance shall be made on account of such animals being thoroughbred, or pedigree stock.

Appropriation to pay claims, how made. O. L., Vol. 83, p. 139.

81. All claims against the State by owners of animals slaughtered under the provisions of sections 78, 79, 80, shall, when approved by the board of live stock commissioners, be reported by said commission to the governer, to be by him communicated to the legislature with the recommendation, if the matter is approved by him, that the proper appropriations be made to pay such claims.

See Sections 15, 18 and 23.

FOOD, POISONS AND LIQUIDS.

Administering secret medicine. R. S., Sec. 6814.

82. Whoever prescribes any drug or medicine to another, the true nature and composition of which he does not, if inquired of, truly make known, but avows the same a secret medicine or composition, and thereby endanger the life of such other person, shall be fined not exceeding one hundred dollars, and imprisoned not more than twenty days.

Attempting to procure abortion. R. S., Sec. 6815.

83. Whoever, with intent to procure the miscarriage of any woman, prescribes or administers to her any medicine, drug, or substance whatever, or, with like intent, use any instrument or means whatever, unless such miscarriage is necessary to preserve her life, or is advised by two physicians to be necessary for that purpose, shall, if the woman either miscarries or dies in consequence thereof, be imprisoned in the penitentiary not more than seven years nor less than one year.

Punishment if the woman dies or miscarries.

The offense is complete if the medicine, drug or substance be administered, or instruments used, with the intent prescribed, at any time during the period of gestation. Wilson v. State, 2 O. S. 319.

Administering poison to domestic animals. R. S., Sec. 6852.

84. Whoever maliciously administers poison, of any sort whatever, to any animal mentioned in section *sixty-eight hundred and fifty*, the property of another, with intent to injure or destroy such animal, shall be fined not more than two hundred nor less than fifty dollars, or imprisoned not more than thirty days, or both.

Adulterating liquors. R. S., Sec. 6950.

85. Whoever adulterates, except for medicinal or mechanical purposes, any spirituous or alcoholic liquors, by mixing the same with any substance, or sells or offers to sell any such liquor, knowing the same to be thus adulterated, or imports into this state, and sells or offers to sell, any such liquor, knowing the same to be thus adulterated, and not inspected as required by

law, shall be fined not more than five hundred nor less than one hundred dollars, and imprisoned not more than thirty nor less than ten days.

Selling or giving away poisons. R. S., Sec. 6957.

86. Whoever sells, or gives away, any quantity of arsenic less than one pound, without first mixing therewith soot or indigo in the proportion of one ounce of soot or half an ounce of indigo to the pound of arsenic, or, except upon the prescription of a physician, sells, or gives away, any quantity of any article belonging to the class usually denominated poisons, to any minor, or sells, or gives away, any such article to any person, without having first marked the word "Poison" upon the label or wrapper containing the same, and registered in a book to be by him kept for that purpose, the day and date upon which it is sold or given away, the quantity thereof, the name, age, sex, and color of the person obtaining the same, the purpose for which it is required, and the name and place of abode of the person for whom the same is intended, shall be fined not more than two hundred nor less than twenty dollars.

Depositing poison in thoroughfares. R. S., Sec. 6958.

87. Whoever leaves or deposits any poison, or any substance containing poison, in any common, street, alley, lane, or thoroughfare of any kind, or any yard or inclosure other than the yard or inclosure occupied by such person, shall be fined not more than fifty nor less than five dollars, or imprisoned not more than thirty nor less than five days, or both, and shall be liable to the person injured for all damages sustained thereby.

Adulterated articles not to be manufactured or sold. O. L., Vol. 81, p. 67.

88. No person shall, within this state, manufacture for sale, offer for sale, or sell any drug or article of food which is adulterated, within the meaning of this act.

Term drug: defined. O. L., Vol. 81, p. 67

89. The term "drug," as used in this act, shall include all medicines for internal or external use, antiseptics, disinfectants and cosmetics. The term "food," as used herein, shall include all articles used for food or drink by man, whether simple, mixed, or compound.

90. An article shall be deemed to be adulterated within the meaning of this act:

When drugs deemed adulterated. O. L., Vol. 81, p. 67

(*a*) In the case of drugs: (1) If, when sold under or by a name recognized in the United States Pharmacopœia, it differs from the standard of strength, quality or purity laid down therein; (2) If, when sold under or by a name not recognized in the United States Pharmacopœia but which is found in some other pharmacopœia, or other standard work on meteria medica, it differs materially from the standard of strength, quality or purity, laid down in such work; (3) If its strength, quality or purity falls below the professed standard under which it is sold.

When food deemed adulterated. O. L., Vol. 81, p. 67

(*b*) In the case of food: (1) If any substance or substances have been mixed with it, so as to lower or depreciate, or injuriously affect its quality, strength or purity; (2) If any inferior or cheaper substance or substances have been substituted wholly or in part for it; (3) If any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it; (4) If it is an imitation of, or is sold under the name of another article; (5) If it consists wholly or in part, of a diseased, decomposed, putrid, infected, tainted or rotten animal or vege-

table substance or article, whether manufactured or not—or, in the case of milk, if it is the produce of a diseased animal; (6) If it is colored, coated, polished or powdered, whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is; (7) If it contains any added substance or ingredient which is poisonous or injurious to health, or any deleterious substance not a necessary ingredient in its manufacture; provided, that the provisions of this act shall not apply to mixtures or compounds recognized as ordinary articles of food, if the same be distinctly labeled as mixtures or compounds, and are not injurious to health, and contain no ingredient not necessary to the preparation of a genuine article of such mixtures or compounds, and from which no necessary ingredient in its preparation is eliminated.

Sample may be demanded for analysis.
O. L., Vol. 81, p. 68

91. Every person manufacturing, offering or exposing for sale, or delivering to a purchaser, any drug or article of food included in the provisions of this act, shall furnish to any person interested, or demanding the same, who shall apply to him for the purpose, and shall tender him the value of the same, a sample sufficient for the analysis of any such drug or article of food which is in his possession.

Penalties.
O. L., Vol. 81, p. 68

92. Whoever refuses to comply, upon demand, with the requirements of section ninety, and whoever violates any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding one hundred nor less than twenty-five dollars, or imprisoned not exceeding one hundred nor less than thirty days, or both. And any person found guilty of manufacturing, offering for sale or selling an adulterated article of food or drug under the provisions of this act, shall be ajudged to pay, in addition to the penalties hereinbefore provided for, all necessary costs and expenses incurred in inspecting and analyzing such adulterated articles of which said person may have been found guilty of manufacturing, selling or offering for sale.

Morphine: by whom and how to be sold.
O. L., Vol. 83, p. 69

93. It shall not be lawful for any person, other than a wholesale druggist or other dealer in drugs and medicine, to sell or offer for sale at wholesale, or for any person other than a registered pharmacist or a registered assistant pharmacist, to sell or offer for sale at retail, morphine or any of its salts, in this State, and it shall not be lawful for such persons to sell or offer for sale morphine or any of its salts in any bottle, vial, envelope or other package, unless the same shall be wrapped in a scarlet paper or envelope and all bottles or vials used for the above purpose shall contain not more than one drachm each and shall have in addition to said scarlet wrapper, a scarlet label lettered in white letters, and the same must be upon both vial and wrapper when vials are used, plainly naming the contents of said bottle, and further, that no person shall have the right to change any preparation of morphine from its original package to any other receptacle whatever for the purpose of retailing or dispensing therefrom, but it must be retailed or dispensed only from the original package with scarlet wrapper and scarlet label as aforesaid.

94. That any one violating the provisions of section ninety-three shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than ten nor more than fifty dollars, at the discretion of the court, for each and every violation of the preceding section.

Penalty.
O. L., Vol. 83, p. 70

95. No person shall manufacture for sale, or sell or offer to sell any candy adulterated by the admixture of terra alba, berytes, talc, or other mineral substance, or poisonous colors or flavors, or other ingredients deleterious or detrimental to health.

Manufacture and sale of adulterated candy.
O. L., Vol. 83, p. 119.

96. Every person manufacturing any candy, or offering or exposing the same for sale, shall furnish to any person interested or demanding the same, who shall apply to him for that purpose, and shall tender him the value of the same, a sample sufficient for the analysis thereof.

Samples.
O. L., Vol. 83, p. 119.

97. Whoever refuses to comply, upon demand, with the requirements of section ninety-six, and whoever violates any of the provisions of sections ninety-three and ninety-four, shall be guilty of a misdemeanor, and upon conviction, shall be fined not exceeding one hundred dollars nor less than twenty-five dollars, or imprisoned not exceeding one hundred nor less than thirty days, or both; and he shall be adjudged to pay in addition all necessary costs and expenses incurred in the inspecting and analyzing such adulterated candy, and the same shall be forfeited and destroyed under the direction of the court.

Penalties.
O. L., Vol. 83, p. 119.

98. It shall be the duty of said commissioner or assistant to inspect any article of butter, cheese, lard, syrup, sugar or other article of food or drink made or offered for sale within the State of Ohio as an article of food or drink, and to prosecute or cause to be prosecuted, any person or persons, firm or firms, corporation or corporations, engaged in the manufacture or sale of any adulterated or counterfeit article or articles of food or drink in violation of or contrary to any law or laws of the State of Ohio.

General duties of Ohio Dairy and Food Commissioner.
O. L., Vol. 83, p. 120.

99. Said commissioner or any assistant shall have power, in the performance of his duties, to enter into any creamery, factory, store, salesroom or place where he has reason to believe food or drink is made, prepared, sold or offered for sale, and to open any cask, tub or package containing or supposed to contain any article of food or drink, and to examine or cause to be examined and analyzed the contents thereof; and it shall be the duty of any prosecuting attorney in any county of the State, when called upon by said commissioner or any assistant, to render him any legal assistance in his power to execute the laws, and to assist in the prosecution of cases arising under provisions of this act.

His powers.
O. L., Vol. 83, p. 120.

100. No person shall sell, exchange, expose or offer for sale or exchange, any substance purporting, appearing, or represented to be butter or cheese, or having the semblance of either butter or cheese, which substance is not made wholly from pure milk, or cream, salt and harmless coloring matter, unless it be done under its true name, and each vessel, package, roll or parcel of such substance has distinctly and durably painted, stamped, stenciled or marked thereon the true name of such substance

Artificial dairy products.
O. L., Vol. 83, p. 178.

Restrictions on sale, etc., of.

in ordinary bold faced capital letters, not less than five line pica in size, and also the name of each article or ingredient used or entered into the composition of such substance, in ordinary bold faced letters, not less than pica in size, or sell or dispose of in any manner to another any such substance without delivering with each amount sold or disposed of, a label on which is plainly or legibly printed in ordinary bold faced capital letters not less than five line pica in size, the true name of such substance, and also the name of such articles used and entering into the composition of such substance in ordinary bold faced letters, not less than pica in size, if the same be not made wholly from pure milk, or cream, salt and harmless coloring matter.

Restrictions on manufacture of. O. L., Vol. 83, p. 178.

101. No person or persons shall manufacture out of any oleaginous substance or substances, or any compound of the same other than that produced from unadulterated milk or cream, salt and harmless coloring matter, any article designed to be sold as butter or cheese made from pure milk or cream, salt and harmless coloring matter. Nothing in this section shall prevent the use of pure skimmed milk in the manufacture of cheese.

Further restrictions on manufacture. O. L., Vol. 83, p. 179.

102. No person or persons shall manufacture, mix, compound with or add to natural or pure milk, cream, butter or cheese, any animal fats, animal, mineral or vegetable oils, nor shall any person or persons manufacture any oleaginous or other substance not produced from pure milk or cream, salt and harmless coloring matter, or have the same in his possession, or offer or expose the same for sale or exchange with intent to sell or in any manner dispose of the same as and for butter and cheese made from unadulterated milk or cream, salt and harmless coloring matter, nor shall any substance or compound so made be sold or disposed of to any one as and for butter or cheese made from pure milk or cream, salt and harmless coloring matter.

Sale of, etc.

False brands and labels. O. L., Vol. 83, p. 179.

103. No person or persons shall sell, exchange, expose or offer for sale or exchange, dispose of or have in his possession any substance or article made in imitation or resemblance of, or as a substitute for any dairy product which is falsely branded, stenciled, labeled or marked as to the place where made, the name or cream value thereof, its composition or ingredients, or in any other respect.

Brands, continued. O. L., Vol. 83, p. 179.

104. No person or persons shall sell, exchange, expose or offer for sale or exchange, dispose of or have in his possession any dairy products which are falsely branded, stenciled, labeled or marked as to the place where made, date of manufacture, the name or cream value thereof, composition or ingredients, or in any other respect, and cheese wholly made from skimmed milk shall have branded upon the box or can "made from skimmed milk."

Skimmed milk cheese.

Card to be displayed by dealers. O. L., Vol. 83, p. 179.

105. Every person in this State who shall deal in, keep for sale, expose or offer for sale or exchange, any substance other than butter or cheese made wholly from pure milk or cream, salt and harmless coloring matter, which appears to be, resembles, or is made in imitation of, or as a substitute for butter or cheese,

shall keep a card not less in size than eight by ten inches in a conspicuous and visible place, where the same may be easily seen and read in the store, room, stand, booth, wagon or place where such substance is, on which card shall be printed in bold black Roman letters, not less in size than eight line pica, the true name of such substance, with the words, imitation butter, or imitation cheese, sold here.

By hotel keepers, etc. O. L., Vol. 83, p. 179.

106. Every proprietor, keeper, or manager, or person in charge of any hotel, boarding house, restaurant, eating house, lunch counter, or lunch room who therein sells, uses, or disposes of any substance which appears to be, resembles, or is made in, or as an imitation of or is made as a substitute for "butter or cheese," under whatsoever name, and which substance is not wholly made from pure milk or cream, salt and harmless coloring matter, shall display and keep a card in a conspicuous place, where the same may be easily seen and read in the dining, eating, restaurant and lunch room, and place where such substance is sold, used or disposed of, which card shall be in size not less than eight by ten inches, upon which shall be printed in plain, bold, black letters, not less in size than eight line pica, the true name of such substance, and also the words imitation butter or imitation cheese, sold and used here, and such proprietor, keeper, manager or person in charge shall not sell, furnish or dispose of such substance as and for "butter or cheese" made from pure milk or cream, salt and harmless coloring matter, when butter or cheese is asked for.

Fraudulent shipments. O. L., Vol. 83, p. 180.

107. No person or persons shall pack, box, inclose, ship or consign any substance, as butter or cheese made from pure milk or cream, salt and harmless coloring matter, in such a manner as to conceal an inferior article by placing a finer grade of butter or cheese upon the surface of the same.

Sale of diluted milk. O. L., Vol. 83, p. 180.

108. No person or persons shall sell to any person, or deliver or carry or cause to be carried to any cheese or butter factory to be manufactured, any milk diluted with water or in any way adulterated, or from which any cream has been taken, or milk commonly known as "skimmed milk," or milk from which [the] part known as "strippings" has been withheld with the intent to defraud, or keeps or renders any false accounts of the quantity or weight of milk furnished at or to any factory for manufacture or sold to any manufacturer.

False accounts.

Impure and skimmed milk. O. L., Vol. 83, p. 180.

109. No person or persons shall sell, exchange, or offer for sale or exchange, any unclean, impure, unhealthy, unwholesome milk, or sell, exchange, or offer for sale or exchange as "pure milk," milk diluted with water or milk known as skimmed milk.

Milk falsely labeled, etc. O. L., Vol., 83, p. 180.

110. No person or persons shall sell, exchange, expose, or offer for sale or exchange, have in his possession or dispose of in any manner, any milk which is falsely branded, labeled marked or represented as to grade, quantity or place where produced or procured.

Cows unhealthily fed, etc. O. L., Vol. 83, p. 180.

111. No person shall keep cows for the production of milk for any purpose, in a cramped or unhealthy condition, or feed them on unhealthy food, or upon food that produces impure, unhealthy or unwholesome milk.

Condensed milk. O. L., Vol. 83, p. 180.

112. No person shall manufacture, sell, exchange, expose or offer for sale or exchange, any condensed milk, unless the package, can or vessel containing the same shall be distinctly labeled, stamped or marked with its true name, brand, by whom and under what name made, and no condensed milk shall be made, exchanged, exposed or offered for sale or exchange, unless the same be made from pure, clean, healthy, fresh unadulterated and wholesome milk, from which the cream has not been removed, or unless the proportion of milk solids contained in the condensed milk shall be in amount the equivalent of twelve per centum of milk solids in crude milk, and of such solids, twenty-five per centum shall be fat.

State institutions. O. L., Vol. 83. p. 180.

113. No butter or cheese not made wholly from pure milk or cream, salt and harmless coloring matter, shall be used in any of the charitable or penal institutions of the State.

Penalties. O. L., Vol. 83, p. 180.

114. Any person or persons violating any of the provisions of sections 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, shall, upon conviction thereof, be fined not less than fifty or more than two hundred dollars for the first offense, or for each subsequent offense not less than one hundred dollars or more than five hundred dollars, and be imprisoned not less than ten days or more than ninety days, or both.

See Sections 33, 61, 62, 65, 66, 67, 68 and 69.

WATER, DRAINAGE AND SEWERS.

When county commissioner may construct ditches or improve channel of river or creek. R. S., of '83, Vol. III, Sec. 4447

115. The commissioners of any county at any regular or called session may, in the manner provided in this chapter, when the same is necessary to drain any lots, lands, public or corporate road or railroad, and will be conductive to the public health, convenience or welfare, cause to be located, and constructed, straightened, widened, altered or deepened, any ditch, drain or water course; or cause the channel of all or any part of any river, creek or run, within such county to be improved by straightening, widening, deepening or changing the same, or by removing from adjacent lands any timber, brush, trees or other substance liable to form obstructions therein.

Township trustees may establish ditches. R. S., of '83, Vol. III, Sec. 4511

116. The trustees of any township may, whenever, in their opinion, the same will be conducive to the public health, convenience or welfare, cause to be established, located and constructed, as hereinafter provided, any ditch within such township, and for that purpose may cross a raiload, turnpike road, or do any other thing necessary or proper to promote said purpose.

Commissioners may remove obstructions as a sanitary measure. R. S., Sec. 4567.

117. The county commissioners of any county may, whenever in their opinion the same will be conducive to the public health, convenience, or welfare, upon petition of the owner of any land adjoining or adjacent to any stream of living water, remove, or cause to be removed any drift, timber, or other obstructions except mill-dams, water-works, or flood-gates, that may hinder the free passage of water in the natural channel of such stream.

It is the public health, convenience or welfare of the community to be affected by the proposed ditch, and not of the public at large, that is to be regarded in the construction of a ditch. Hence, if it appears that the proposed

ditch will be "conducive to the public health, convenience and welfare of the neighborhood" through which it will pass, the commissioners are authorized to construct the same. Chesbough v. Commissioners, 37 O S. 508.

County commissioners may remove certain mill-dams as a sanitary measure. R. S., of '83, Vol. III, Sec. 4567, a.

118. The county commissioners of any county may, whenever in their opinion the same will be conducive to the public health, convenience or welfare, upon petition of the owners of any lands adjoining or adjacent to any stream of living water, remove or cause to be removed any mill-dam or mill-dams that may hinder the free passage of water in the natural channel of such stream.

If found conducive to public health, commissioners shall proceed to purchase. O. L., Vol. 81, p. 135. Sec. 4567, c.

119. If the commissioners find that the bond has been filed and notice given, they shall proceed to hear and determine the petition, and shall proceed to view the premises along the proposed improvement and the lands of the petitioners affected by said mill-dam or mill-dams, and if they find that such improvement and removal of said mill-dam or mill-dams will be conducive to the public health, convenience or welfare, they shall at once proceed to negotiate with and purchase of the owner or owners of such mill-dam or mill-dams, all rights, title and interest they may have to or in the same, and all franchises pertaining thereto, receiving thereby the absolute right to remove the same for the free passage of water in the channel of such stream. Said purchase to be made upon such terms and for such price as may seem reasonable and just to said commissioners; at the same time said commissioners shall take with them a competent surveyor or engineer, who shall make a careful estimate of the necessary cost of removing said mill-dam or mill-dams for the free passage of water in the channel of such stream. Said commissioners shall fix a day for further hearing, and order that due notice be served in writing by the principal petitioner upon each and every one of said petitioners of the time and place of said hearing. If, on said hearing, it appears to the commissioners that the notice herein provided for has not been given, the commissioners shall adjourn to some future time, not exceeding twenty days, and shall order such notice to be given. On the day fixed by the commissioners for final hearing, they shall meet at the time and place appointed, and shall then and there state and make known to the petitioners the amount asked by the owner or owners of such mill-dam or mill dams of all their right, title and interest to and in the same and the franchises pertaining thereto, and for the right to remove the same so that the waters of such stream shall pass through without hindrance; and the necessary cost of removing said mill-dam or mill-dams, as estimated by said engineer or surveyor, together with all other taxable costs of the proceedings. And if, upon such statement, no objections be made thereto, by said petitioners, or either of them, said commissioners shall make a record thereof. Said commissioners shall then apportion to each of said petitioners, in a fair and equitable manner, according to the benefits to be derived therefrom, as nearly as can be done, all costs of the proceedings, as in county ditch cases, the amount asked by the owners of said mill-dam or mill-dams, and agreed upon as above, and the amount of cost necessary to the removal of said mill-dam or mill-dams, as reported by the surveyor or engineer. (But in any case, where a mill has become useless or has been destroyed, and

Estimate of cost of removing mill-dam.

Cost of to be apportioned according to benefits.

When right to compensation barred.

has so remained for more than ten years, without any attempt to repair or rebuild the same, the mill-dam and water-rights and privileges belonging to the same shall be deemed abandoned and the right thereto as against the public health, convenience and welfare, under this act, shall cease and be barred; and the commissioners may, under this act, without bargain or compensation, cause such mill-dam to be removed and the water course upon which it is located cleaned out and improved, when an apportionment has been made, as hereinbefore stated.) The commissioners shall then order the said amounts to be placed upon the tax duplicates, against the real estate of said petitioners benefitted by the removal of such dam, and to be collected within the time and to meet the payments as far as practicable, in conformity with the provisions of the county ditch law, agreed upon between said commissioners and said mill-dam owner or owners, adding to the first year's assessment the taxable costs of the proceedings, and the estimated costs of removing said mill-dam or mill-dams. Said assessment shall be collected the same as other assessments against real estate, and paid into the treasury of the county wherein said petitioners reside, and wherein said mill-dam or mill-dams are situated, and shall be paid out by the county treasurer on the warrant of the county auditor, who shall issue his warrants in accordance with the records and orders of the county commissioners. The surveyor or engineer appointed by the commissioners, shall sell at public outcry the work of removing such mill-dam or mill-dams, and supervise the same, as stated in sections forty-four hundred and seventy-five, forty-four hundred and seventy-six, forty-four hundred and seventy-seven and forty-four hundred and seventy-eight of the revised statutes of Ohio. From the action of said commissioners in apportioning the costs, expenses and assessments provided herein, there shall be no appeal.

Cost of to be taxed against real estate of petitioners.

Surveyor to sell work by public outcry.

Probate court may order construction of levee. R. S., Sec. 4585.

120. The probate court of any county may, whenever found to be conducive to the public health, convenience, or welfare, cause to located, established, and constructed, as hereinafter provided, a levee along any stream or water-course of any kind within the county, for the protection of land from overflow.

See Sections 56, 57, 59, 60 and 61.

EMPLOYES IN MINES, WORKSHOPS, ETC.

Outlets required. O. L., Vol. 83, p. 181, Sec 297.

121. It is unlawful for the owner or agent of any coal mine, worked by a shaft, to employ or permit any person to work therein, unless there are, to every seam of coal worked in each mine, at least two separate outlets, separated by natural strata of not less than one hundred feet in breadth, by which shafts or outlets distinct means of ingress and egress are always available to the persons employed in the mine; but it is not necessary for the two outlets to belong to the same mine, if the persons employed therein have safe, ready and available means of ingress and egress by not less than two openings. This section shall not apply to opening a new mine while being worked for the purpose of making communications between said two outlets, so long as not more than twenty persons are employed at any one time in such mine, neither shall it apply to any mine, or part of a mine in which the second outlet has been rendered unavailable by reason

of the final robbing of pillars previous to abandonment, so long as not more than twenty persons are employed therein at any one time. The cage or cages, and other means of egress shall at all times be available for the persons employed, where there is no second outlet. The escapement shafts shall be fitted with safe and available appliances by which the persons employed in the mine may readily escape in case an accident occurs deranging the hoisting machinery at the main outlets. To all other coal mines, whether slopes or drifts, two such openings or outlets must be provided within twelve months after shipments of coal have commenced from such mine; and in case such outlets are not provided as herein stipulated, it shall not be lawful for the agent or owner of such slope or drift to permit more than ten persons to work therein at any one time. In case a coal mine has but one shaft, slope, or drift, for the ingress or egress of the men working therein, and the owner thereof does not own suitable surface ground for another opening, he may select and appropriate an adjoining land for that purpose, and for approach thereto, and shall be governed in his proceeding in appropriating such land by the provisions of law in force, providing for the appropriation of private property by corporations, and such appropriation may be made, whether he is a corporator or not; but no land shall be appropriated under the provisions of this chapter until the court is satisfied that suitable premises can not be obtained upon reasonable terms.

Appropriation of land for second outlet.

122. The owner or agent of every coal mine, whether shaft, slope, or drift, shall provide and maintain for every such mine, an amount of ventilation of not less than 100 cubic feet, per minute, per person employed in such mine, which shall be circulated and distributed throughout the mine in such a manner as to dilute, render harmless, and expel the poisonous and noxious gases from each and every working-place in the mine, and no working-place shall be driven more than sixty feet in advance of a break-through or air-way; and all break-throughs, or air-ways, except those last made near the working-faces of the mine shall be closed up and made air-tight, by brattice, trap doors, or otherwise, so that the currents of air in circulation in the mine may sweep to the interior of the mine, where the persons employed in such mine are at work, and all mines governed by the statute shall be provided with artificial means of producing ventilation, such as forcing, or suction fans, exhaust steam, furnaces, or other contrivances, of such capacity and power as to produce and maintain an abundant supply of air, and all mines generating fire-damp, shall be kept free from standing gas, and every working-place shall be carefully examined every morning with a safety lamp by a competent person or persons, before any of the workmen are allowed to enter the mine. All underground entrances to any places not in actual course of working or extension, shall be properly fenced across the whole width of such entrances so as to prevent persons from inadvertently entering the same.

Ventilation. O. L., Vol. 83, p. 182, Sec. 298.

123. The owner or agent of every coal mine operated by shaft, in all cases where the human voice cannot be distinctly heard, shall forthwith provide and maintain a metal tube from

Safety apparatus and precautions. O. L., Vol. 83, p. 182, Sec. 299.

the top to the bottom of such shaft suitably calculated for the free passage of sound therein, so that conversation may be held between persons at the bottom and top of the shaft; there shall also be provided an approved safety catch, and a sufficient cover overhead, on all carriages used for lowering and hoisting persons, and in the top of every shaft an approved safety gate, and an adequate brake shall be attached to every drum or machine used for lowering or raising persons in all shafts or slopes; and there shall also be provided in every shaft a traveling or passage way from one side of a shaft bottom to the other, so that persons working therein may not have to pass under descending cages; and all slopes or engine-planes, used as traveling ways by persons in any mine,, shall be made of sufficient width to permit persons to pass moving cars with safety; but if found impracticable to make any slope or engine-plane of sufficient width, then safety-holes of ample dimensions, and not more than sixty feet apart, shall be made on one side of said slope or engine-plane. Such safety-holes shall always be kept free from obstructions, and the roof and sides shall be made secure. The boilers used for generating steam, and the buildings containing the boilers shall not be nearer than sixty feet to any shaft or slope, or to any building or inflammable structure connected with or surrounding said shaft or slope; but this section shall not apply to any shaft or slope, until the work of development and shipment of coal has commenced.

Boilers.

Safety lamps and ventilating apparatus. O. L., Vol. 83, p. 183, Sec. 301.

124 All safety lamps used for examining coal mines, or which are used in any coal mine, shall be the property of the owner of the mine, and shall be under the charge of the agent thereof, and in all mines, whether they generate fire-damp or not the doors used in assisting or directing ventilation of the mine, shall be so hung or adjusted that they will shut of their own accord and cannot stand open; and all main doors shall have an attendant, whose constant duty shall be to open them for transportation and travel, and prevent them from standing open longer than is necessary for persons or cars to pass through; and the mining boss shall keep a carefull watch over the ventilating apparatus and the airways, and he shall measure the ventilation at least once a week, at the inlet and outlet, and also at or near the face of all the the entries, and the measurements of air so made shall be noted on blanks, furnished by the mine inspector; and on the first day of each month the mining boss of each mine shall sign one of such blanks, properly filled, with the said actual measurements, and forward the same to the mine inspector. The owner or agent of every mine shall give notice of all deaths or serious injuries from accidents, in or about the mine, to the chief inspector of mines, in writing, and shall specify the name, age and occupation of the person killed or injured, and also the nature and character of the accident, and of the injury caused thereby. He shall also give notice to the chief inspector of mines in any or all of the following cases:

Notices to be given to chief mine inspector.

1. Where any working is commenced for the purpose of opening a new shaft, slope or mine to which this act applies.

2. Where any mine is abandoned or the working thereof discontinued.

3. Where the working of any mine is recommenced after any abandonment or discontinuance for a period exceeding three months.

4. Where the pillars of a mine are about to be removed or robbed.

5. Where a squeeze or crush, or any other cause or change may seem to effect the safety of persons employed in any mine, or where fire occurs, or a dangerous body of gas is found in any mine.

Competent engineers must be employed, etc. R. S., Sec. 300.

125. No owner or agent of any coal mine operated by a shaft or slope shall place in charge of any engine used for lowering into or hoisting out of such mine persons employed therein any but experienced, competent, and sober engineers; and no engineer in charge of such engine shall allow any person, except such as may be deputed for that purpose by the owner or agent, to interfere with it or any part of the machinery, and no person shall interfere or in any way intimidate the engineer in the discharge of his duties; and in no case shall more than ten men ride on any cage or car at one time, and no person shall ride upon a loaded cage or car in any shaft or slope.

Boys under twelve must not be employed in mines, etc. R. S., Sec. 302.

126. No boy under twelve years of age shall be allowed to work in any mine, nor any minor between the ages of twelve and sixteen years, unless he can read and write, and in all cases of minors applying for work, the agent of such mine shall see that the provisions of this section are not violated.

Action for non-compliance with this chapter. R. S., Sec. 303.

127. In case any coal mine does, not, in its appliances for the safety of the persons working therein, conform to the provisions of this chapter, or the owner or agent disregards the requirements of this chapter, any court of competent jurisdiction may, on application of the inspector, by civil action, in the name of the state, enjoin or restrain the owner or agent from working or operating such mine with more than ten miners at once, until it is made to conform to the provisions of this chapter; and such remedy shall be cumulative, and shall not take the place of or affect any other proceedings against such owner or agent authorized by law for the matter complained of in such action.

Penalty for violation for provisions relating to safety of mines and miners, etc. O. L., Vol. 83, p. 183, Sec. 6871.

128. Whoever knowingly violates any of the provisions of sections one hundred and twenty-one, one hundred and twenty-two, one hundred and twenty-three, one hundred and twenty-four, one hundred and twenty-five and one hundred and twenty-six, or does any act whereby the lives or health of the persons or the security of any mine and machinery are endangered, or any minor or other person employed in any mine governed by the statute, who intentionally and willfully neglects or refuses to securely prop the roof of any working-place under his control, or neglects or refuses to obey any order given by the superintendent of a mine in relation to the security of the mine in the part thereof where he is at work, and for fifteen feet back from the face of his working-place, or any person having charge of a mine, whenever loss of life occurs by accident connected with the working of such mine, or by explosion, who neglects or refuses to give notice thereof forthwith, by mail or otherwise, to the chief inspector of mines, and to the coroner of the county in which such mine is situate, or any such coroner who neglects or

Notice of accidents.

Duty of coroner.

refuses to hold an inquest upon the body of the person whose death has been thus caused, and return a copy of his finding and all the testimony to the inspector, shall be fined not less than fifty dollars, or imprisoned in the county jail not more than thirty days, or both.

Employing children under fourteen years in shows, etc. R. S., Sec. 6984.

129. Whoever takes, receives, hires, employs, uses, exhibits, or in any manner, or under any pretense, sells, apprentices, gives away, lets out, or otherwise disposes of, to any person, any child under the age of fourteen years, for or in the vocation, occupation, service, or purpose of singing, playing on musical instruments, rope or wire walking, dancing, begging, or peddling, or as a gymnast, contortionist, rider, or acrobat, or for or in any obscene, indecent, or immoral purpose, exhibition, or practice, or for or in any business, exhibition, or vocation injurious to the health or dangerous to the life or limbs of such child, or causes, or procures, or encourages any such child to engage therein, or causes or permits any such child to suffer, or inflicts upon it, unjustifiable physical pain or mental suffering, or willfully causes or permits the life of any such child to be endangered, or its health injured, or such child to be placed in such situation that its life may be endangered, or its health injured, or has in custody any such child for any of the purposes aforesaid, shall be fined not more than two hundred dollars, or imprisoned not more than six months or both.

Penalty for torturing or neglecting children. O. L., Vol. 83, p. 27 Sec. 6984, a.

130. Whoever tortures, torments, cruelly or unlawfully punishes, or willfully, unlawfully and negligently deprives of necessary food, clothing or shelter, any person, and whoever having the control of, or being the parent or guardian of any child or children under the age of sixteen years, willfully abandons such child or children, or tortures, torments, cruelly or unlawfully punishes, or willfully, unlawfully and negligently deprives of necessary food, clothing or shelter, such child or children, shall be fined not more than two hundred dollars, nor less than ten dollars, or imprisoned for not more than six months, or both.

Regulating employment of females in certain establishments. O. L., Vol. 82, p. 131.

131. Every person or corporation employing female employes in any manufacturing, mechanical, or merchantile establishment in this state, shall provide suitable seats for the use of the female employes so employed, and shall permit the use of such by them when they are not necessarily engaged in the active duties for which they are employed.

Penalty. O. L., Vol. 82, p. 132, Sec. 130.

132. Any person or corporation violating any of the provisions of section one hundred and thirty-one shall be punished by a fine of not less than ten dollars nor more than twenty-five dollars for each offense.

Forbidding the employment of minors under the age of twelve in manufactories. O. L., Vol. 82, p. 161, Sec. 6986.

133. No minor under the age of twelve years shall be employed in any factory, workshop or establishment wherein the manufacture of any goods of any kind is carried on.

Hours of labor for minors under the age of eighteen. O. L., Vol. 82, p. 161 Sec. 6986, a a

134. No minor under the age of eighteen years shall be employed in any of the places named for a longer period than ten hours a day, and in no case shall the hours of labor exceed sixty in one week; and every employer shall post, in a conspicuous place in every room where such persons are employed, a printed notice, stating the number of hours required of them in each day of the week.

135. Any person or corporation who shall employ any person contrary to the provisions of this act, or who shall violate any of the provisions of sections one hundred and thirty-three and one hundred and thirty-four, shall, upon conviction thereof, be fined in any sum not less than fifty nor more than one hundred dollars, or imprisoned not less than thirty nor more than ninety days.

Penalty for violations of this act. O.L., Vol. 82, p. 162 Sec. 6986, b b.

136. It shall be the duty of the inspector of shops and factories to prosecute all violations of this act, when the same shall come to his knowledge, in any court of competent jurisdiction. All fines collected under this act shall inure to the benefit of the school fund of the district where the offense was committed.

Duty of inspector of shops; fines collected. O. L. Vol. 82, p. 162, Sec. 6986, c

LAWS REGULATING THE PRACTICE OF MEDICINE AND PHARMACY.

137. No person who is not a graduate of a reputable school of medicine, either in the United States or a foreign country, or who can not produce a certificate of qualification from a state or county medical society, and is not a person of good moral character, shall practice, or attempt to practice medicine in any of its departments, or prescribe medicine for reward or compensation for any person within this state, except that when a person has been continuously engaged in the practice of medicine for a period of ten years or more, he shall be considered to have complied with the provisions of this chapter, and when a person has been in continuous practice of medicine for five years or more, he shall be allowed two years in which to comply therewith. Provided, however, that any person who shall have graduated at any school of medicine in any state or foreign country in which any condition or restriction is imposed by the laws thereof upon the practice of medicine by the graduates of medical schools in Ohio, shall be subject to the same restrictions or conditions in the practice of medicine in this state as are imposed upon such graduates of medical schools of Ohio by the laws of such state or foreign country; and a person violating this section shall not be entitled to any compensation for services rendered.

Who may practice medicine; graduates from foreign states. O. L., Vol. 82, p. 218, Sec. 4403.

138. It shall be unlawful for any person not a registered pharmacist to open or conduct any pharmacy or retail drug or chemical store, as proprietor thereof, unless he shall have in his employ and place in charge of such pharmacy, or store, a registered pharmacist within the meaning of this chapter, who shall have the supervision and management of that part of the business requiring pharmaceutical skill and knowledge; or to engage in the occupation of compounding or dispensing medicines on prescriptions of physicians, or of selling at retail for medicinal purposes, any drugs, chemicals, poisons, or pharmaceutical preparations within this state until he has complied with the provisions of this chapter; provided, nothing in this section shall apply to, or in any manner interfere with the business of any physician, or prevent him from supplying to his patients such articles as may seem to him proper, or with the making or vending of patent or proprietary medicines by any retail

Who may retail drugs. O. L., Vol. 81, p. 61, Sec. 4495.

Proviso.

dealer, or with the selling by any country store of copperas, borax, blue vitrol, saltpeter, sulphur, brimstone, licorice, sage, juniper berries, senna leaves, castor oil, sweet oil, spirits of turpentine, glycerine, glauber salt, epsom salt, cream of tartar, bi-carbonate of sodium, and of paregoric, essence of peppermint, essence of cinnamon, essence of ginger, hive syrup, syrup of ipecac, tincture of arnica, syrup of tolu, syrup of squills, spirits of camphor, number six, sweet spirits of nitre, compound cathartic pills, quinine pills, and other similar preparations when compounded by a registered pharmacist and put up in bottles and boxes bearing the label of such pharmacist or wholesale druggist, with the name of the article and directions for its use on each bottle or box, or with the exclusively wholesale business of any dealer.

How pharmaceutical examining board appointed. O. L., Vol. 81, p. 62, Sec 4406.

139. The Ohio State Pharmaceutical Association shall, immediately upon the passage of this act, submit to the governor the names of ten persons, residents of this state, who have had at least ten years' experience as pharmacists and druggists, and from the names so submitted to him or others, the governor shall, with the approval of the Senate, select and appoint five persons, who shall constitute a board, to be styled the Ohio Board of Pharmacy; and any member of the board may be removed by the governor for good cause shown him; one member of said board shall be appointed, and hold his office for one year, one for two years, one for three years, one for four years, and one for five years, and until his successor shall be appointed and qualified; and at its regular annual meeting in each and every year thereafter, the said Ohio State Pharmaceutical Association shall select and submit to the governor the names of five persons, with the qualifications hereinbefore mentioned, and the governor shall, with the approval of the Senate, select and appoint from the names so submitted or others, one member of said board, who shall hold his office for five years, and until his successor shall be appointed and qualified. Any vacancy that may occur in said board shall be filled for the unexpired term by the governor, with the approval of the Senate. Each member of said board shall, within ten days after his appointment, take and subscribe an oath or affirmation, before a competent officer, to faithfully and impartially perform the duties of his office.

Vacancy in board, how filled.

Sessions of board, when and where held. O. L., Vol. 81, p. 62, Sec. 4407.

140. The Ohio Board of Pharmacy shall hold three regular meetings in each year; one at Cincinnati on the Second Monday of January, one at Columbus on the Second Monday of May, and one at Cleveland on the second Monday of October, and such additional meetings, at such times and places, as may be determined upon by said board, at each of which meetings it shall transact such business as is required of it by law; said board shall make such rules, by-laws and regulations as may be necessary for the proper discharge of its duties, and shall make a report of its proceedings, including an itemized account of all moneys received and expended by said board, pursuant to this chapter, and a list of the names of all pharmacists duly registered under this act, to the secretary of state on the 15th day of November, 1884, and annually thereafter, and to the Ohio State Pharmaceutical Association. Said board shall keep a book of registration open at some place in Columbus, of which due notice shall be given in three or more newspapers of general circulation in this state, in which the name and place of business of every per-

Duties of board.

Register to be kept.

son duly qualified under this chapter to conduct, or engage in the business mentioned and described in section one hundred and thirty-eight, shall be registered. Every person now conducting or engaged in such business in this state as proprietor or manager of the same, or who, being of the ago of eighteen years, has been employed or engaged for three years preceding the passage of this act as an assistant in any retail drug store in the United States, in the compounding or dispensing of medicines on the prescriptions of physicians, who shall furnish satisfactory evidence in writing and under oath of such facts, within three months after the publication of said notice, shall be registered as a pharmacist, or assistant pharmacist, as the case may be, without examination. Every person who shall hereafter desire to conduct, or engage in such business in this state, shall appear before said board, and be registered within ten days after receiving a certificate of competency and qualification from said board. The said board shall demand and receive for such registration from each and every person registered as a pharmacist, a fee of not exceeding three dollars, and from each and every person registered as an assistant pharmacist, a fee not exceeding two dollars, to be applied to the payment of the expenses arising under the provisions of this chapter. Provided, however, that no such fee shall be demanded of any person who has heretofore been registered as the proprietor or manager of such business or as an assistant therein, under the provisions of any law heretofore in force in this state. Every registered pharmacist, or assistant pharmacist, who desires to continue the practice of his profession, shall, triennially thereafter, during the time he shall continue in such practice, on such date as said board may determine, pay to the secretary of said board a registration fee, to be fixed by said board, but which shall in no case exceed, if a pharmacist, one dollar, if assistant pharmacist, fifty cents, for which he shall receive a renewal of said registration. Every certificate of registration granted under this act shall be conspicuously exposed in the prescription department of the drug or chemical store to which it applies, or in which the assistant is engaged. The secretary of said board shall receive a salary which shall be fixed by said board; he shall also receive his traveling and other expenses incurred in the performance of his official duties. The other members of said board shall receive the sum of three dollars for each day actually engaged in the service thereof, and all legitimate and necessary expenses incurred in attending the meetings of said board. Said salary, per diem and expenses shall be paid after an itemized statement of the same has been rendered and approved by the board from the fees and penalties received by said board under the provisions of this act. All moneys received in excess of said per diem allowance, and other expenses above provided for, shall be held by the secretary as a special fund for meeting the expenses of said board; he giving such bond as said board shall from time to time direct.

Who may be registered without examination.

Fee for registration.

Proviso.

Fee for renewal of registration.

Salary of secretary and board.

Excess of fees, how disposed of.

141. The Ohio Board of Pharmacy shall examine every person who desires to carry on or engage in the business of a retail apothecary, or of retailing any drugs, medicines, chemicals, poisons or pharmaceutical preparations, or of compounding and dispensing the prescriptions of physicians, as proprietor and manager, touching his competency and qualification for that purpose, and upon a majority

Duties of board with respect to examinations. O. L., Vol. 81, p. 63, Sec. 4408.

of the board being satisfied of such competency and qualification, as pharmacist, which certificate shall entitle the person named therein to conduct and carry on the business aforesaid, as proprietor and manager thereof, upon complying with the requirements of section one hundred and forty; and such board shall also examine each person who desires to engage in such business as assistant pharmacist, touching his competency and qualification, and upon any such person passing a satisfactory examination, shall furnish a certificate setting forth that he is a qualified assistant in pharmacy, which certificate shall enable the person named therein to engage in said business as an assistant pharmacist upon his complying with the provisions of section one hundred and forty.

To whom preceeding provisions do not apply.
O. L., Vol. 81, p. 64, Sec. 4409.

142. The provisions of [section] one hundred and forty-one shall not apply to any person engaged in the retail drug and apothecary business, as proprietor or manager of the same, at the time of the passage of this act, or who, being at the age of eighteen years has been continuously employed or engaged for three years immediately preceding the passage of this act as assistant in any retail drug store in the United States, in the compounding or dispensing of medicines on the prescriptions of physicians, who has complied with the provisions of section one hundred and forty.

Assistant druggists to be qualified.
O. L., Vol., 81, p. 64, Sec. 4410.

143. No person, not a qualified assistant, shall be allowed by the proprietor or manager of any retail drug or chemical store, to compound or dispense the prescriptions of physicians, except as an aid under the supervision of the proprietor or manager, or his qualified assistant.

Qualifications of assistants.
O. L., Vol. 81, p. 64, Sec. 4411.

144. A qualified assistant, within the meaning of this chapter, shall be a clerk or assistant in a retail drug or chemical store, who shall furnish to the Ohio Board of Pharmacy such evidence of his employment as is required by section one hundred and forty; or a person holding the certificate of said board, as an assistant pharmacist, as provided in section one hundred and forty-one.

Penalties.
O. L., Vol. 81, p. 64, Sec. 4412.

145. A person violating the provisions of section one hundred and forty relating to registration, renewal of registration, or failing to conspicuously expose such certificate of registration, shall be deemed guilty of misdemeanor, and upon conviction thereof, be fined in any sum not exceeding one hundred dollars for each week he continues to carry on or to be engaged in such business without such registration, and for the violation of any of the provisions of section one hundred and forty-three, such pharmacist shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding fifty dollars for each and every offense; all fines assessed for the violation of any of the provisions of this act shall be placed in the county treasury for the use and benefit of the common school fund of the county in which such offense is committed; provided, that nothing in this act shall be so construed as to in any way affect the right to any person to bring a civil action against any person referred to in this act for any act or acts for which a civil action may now be brought.

INSPECTION OF PETROLEUM OILS.

Manner of inspection of petroleum oils.
O. L., Vol. 81, p. 140, Sec. 394.

146. All mineral or petroleum oil, or any oil fluid or substance which is a product of petroleum, or into which petroleum or any product of petroleum enters or is found as a constituent element,

whether manufactured within this state or not, shall be inspected, as provided in this chapter, before being offered for sale or sold for consumption for illuminating purposes within the state, and such inspection shall be conducted as herein provided, in the following manner:

The test shall be made in a test cup of metal or glass, cylindrical in shape, two and a quarter inches in diameter, and four inches deep, both measurements being made inside the cup, and this cup shall be filled to within one-quarter of an inch of the brim with the oil or other substance to be tested, taken at the ordinary temperature; the cup shall be placed in a water-bath sufficiently large to leave a clear space of one inch under the cup, and three-eights of an inch around it, and in such manner as to project about one-quarter of an inch above the water-bath; the space between the cups and the water-bath shall be nearly filled with cold water taken at the ordinary temperature, and the cup being placed in the water-bath, the latter shall be heated by an alcohol lamp, with its flame so graduated that the rise in temperature from sixty degrees Fahrenheit to the highest heat test temperature shall not be less than two degrees per minute, and shall be as near two degrees per minute as is practicable, and shall in no case exceed four degrees per minute. A Fahrenheit thermometer shall be suspended in such a manner that the upper surface of its bulb shall be as near as practicable one quarter of an inch below the surface of the oil undergoing test; as soon as the temperature reaches the point of ninety-eight degrees Fahrenheit, the lamp shall be removed from under the water-bath, and the oil shall then be allowed to rise to the temperature of one hundred degrees Fahrenheit, by the residual heat of water, and at that point the first test for flash shall be made as follows: a taper, hereinafter described, shall be lighted and the surface of the oil shall be touched with the flame of the taper, and it is lawful to apply this flame, either to the center of the oil surface or to any or all parts of it, but the taper itself shall not be plunged into the oil, and if no flash takes place upon the first contact of the flame with the oil, the taper shall not be held in longer contact, but shall be immediately withdrawn; if no flash takes place at the temperature of one hundred degrees Fahrenheit, the lamp shall be replaced under the water-bath, and the temperature raised to one hundred and three degrees, when the lamp shall be again withdrawn, and the oil allowed to rise to one hundred and five degrees by the residual heat of the water, when the test shall be made at one hundred and five degrees by again applying the flame of the taper as hereinbefore specified; if no flash occurs, the test shall be repeated as often as the oil gains five degrees in temperature, three degrees with the lamp under the water-bath, and two degrees with the lamp removed; these tests shall be repeated until a flash is obtained; the inspector shall further test the oil by applying the taper at every two degrees rise, without removing the lamp or stirring, but if a flash is obtained by this means by a less rise in temperature than five degrees herein required, he shall at once remove the lamp, stir the oil, and immediately apply the flame; the taper used for testing may be made of any wood giving a clear flame, and it shall be made as slender as possible and with a tip not more than one-sixteenth of an inch in thickness; no taper or match with sulphur

upon it shall be used, unless the sulphur is removed before lighting; when the taper is lighted it shall be applied to the oil immediately, that is to say, before an ash or coal has had time to form on the end of the taper beyond the flame, and in applying the taper the flame shall be made to touch the oil, but the taper itself shall not be brought in contact with the oil, and if the taper if so brought in contact with the oil, but not held there longer than for the space of one second, and the oil flashes, the test shall not thereby be vitiated, but the inspector shall immediately remove the lamp, and again test the oil by the flame without allowing the body of the taper to touch the oil; no oil or other substance, which, by the test herein described, flashes at any temperature below one hundred and twenty degrees Fahrenheit, shall be allowed to be sold, or offered for sale, or consumed for illuminating purposes in thss state; but it shall be deemed a sufficient compliance with the provisions of this section to test the oil or oils herein described by an apparatus known as the "Foster cup" or Foster's automatic oil tester; and it is lawful to sell, for illuminating purposes, any oil or oils herein described, to be consumed within the state, which bear a flash test of one hundred and twenty degrees Fahrenheit, as shown by said apparatus, and the state inspector is hereby authorized to substitute the test by the Foster cup or Foster's automatic oil tester, instead of the test by the open cup, as herein provided, if, in his judgment, by such change a greater uniformity of test throughout the state will be secured.

State inspector of oils; appointment and term of.
O. L., Vol. 81, p. 142, Sec. 395.

147. Immediately upon the taking effect of this act, the governor shall appoint, by and with the advice and consent of the senate, a skilled and suitable person, who is not interested in manufacturing, dealing, or reducing any illuminating oils manufactured from petroleum, as state inspector of oils, whose term of office is for two years, to commence from the fifteenth day of May, 1884, and continue until his successor is appointed and qualified; and in case of a vacancy occurring by death, resignation, or otherwise, the governor shall fill the same as provided in section twelve or the revised statutes of Ohio; provided, that the present state supervisor of oils shall continue in office and perform the duties of state supervisor of oils, under this act, until May 15, 1884. The inspector when so appointed and qualified is empowered to appoint a suitable number of deputies who are not interested in manufacturing, dealing, or vending any illuminating oils manufactured from petroleum, who are empowered to perform the duties of inspection, and are liable to the same penalties as the inspector; and the inspector may remove any of the deputies for reasonable cause and appoint others on their place; provided, that all deputy supervisors of oils now in office shall remain and perform the duties thereof, under this act, until May 15, 1884. The inspector and his deputies shall provide themselves, at their own expense, with the necessary instruments and apparatus, and stencils, brands and stamps, for testing and marking the quality of illuminating oils, and when called upon for that purpose to promptly inspect all oils herein mentioned, and to reject for illuminating purposes, for consumption in this state, all oils which, by being adulterated with naptha, benzine, parafine, or other light oils or other substance, or for any other reason will not stand and be equal to the test herein prescribed. The inspector

Empowered to appoint deputies.

Duties of.

shall prepare the forms of all stencils, brands, and stamps provided for in this chapter, and also such general regulations and rules for inspection, not inconsistent with the terms and provisions of this chapter, and such rules and regulations shall be binding on all deputy supervisors in the state. The inspector and his deputies are required to test the quality of all mineral or petroleum oils, or any oil, fluid, or substance which is a product of petroleum or into which petroleum or any product of petroleum enters, or is found as a constituent element, which is offered or intended to be offered for sale for illuminating purposes in this state, and if upon such testing or examination the same meets the requirement herein specified, the inspector or his deputies shall affix by stencil or brand, on any package, cask or barrel containing the same, and by a stamp subscribed with his official signature, the word "approved," with the date of such inspection; and it will then be lawful for any manufacturer, vendor, or dealer to sell the same, to be consumed within the state as an illuminator; but if the oil so tested does not meet such requirements, he shall mark by stencil or brand, in plain letters, on any package or barrel containing the same, and by a stamp subscribed with his official signature, the words "rejected for illuminating purposes," giving the date of such inspection; and it shall be unlawful for the owner thereof to sell oil so branded as rejected, to be consumed within the state for illuminating purposes; and if any person sells or offers for sale such rejected oil, he shall be deemed guilty of a misdemeanor, and shall be subject to a penalty in any sum not less than one thousand dollars, or be imprisoned in the county jail not exceeding twenty days, or both.

Rejected oil.

148. Whoever is appointed state inspector, or deputy inspector, shall, before he enters upon the discharge of the duties of his office, take an oath of office, and file the same in the office of the secretary of state.

Oath and bond of inspector and deputy. O. L., Vol. 81, p. 143, Sec. 396.

The inspector must execute a bond to the state in the sum of twenty thousand dollars, with sureties to be approved by the secretary of state, conditioned for the faithful performance of the duties imposed upon him by law, which bond shall be for the use of all persons in any way aggrieved or injured by the acts or neglect of the inspector, and the same shall be filed with the secretary of state.

The deputy inspectors must each execute a bond to the state in the sum of five thousand dollars, with sureties to be approved by the judge of probate of the county where the deputy is located, and file the same with the clerk of the court of common pleas in the county where he resides. The inspector or deputy inspector is entitled to demand and receive from the owner or party calling on him, or for whom he performs the inspection, the sum of forty cents for a single barrel, package, or cask; twenty-five cents, each, when the lot does not exceed ten in number; fifteen cents, each, when the lot does not exceed twenty in number; ten cents, each, when the lot does not exceed fifty in number, and five cents, each, of all lots exceeding fifty barrels; and all fees so accruing shall be a lien on the oil so inspected; every inspector, or deputy inspector, shall keep a true and accurate record of all oils so inspected and branded by him, which record shall state the date of the inspection, number of barrels, and the name of the person for whom inspected, and such record shall be open to the examination of any and all

Fees of.

Record of inspection to be kept.

Deputies to make monthly returns to inspector.

persons interested; and every deputy inspector shall, on the first Monday of each month, make a true and accurate return to the state inspector of all such inspections for the preceding month, giving the quantity inspected, the date of the inspection, and the name of the person for whom it is inspected; on the second Monday of November of each year, the state inspector shall make and deliver to the governor a report of the inspection by himself and deputies during the preceding calendar year.

Penalty for sale of uninspected oils. O. L., Vol. 81, p. 144, Sec. 397.

149. If any person for or as agent for any other person shall sell, or attempt to sell, to any person in this state any such oils to be consumed within this state for illuminating purposes, whether manufactured in this state or not, before having the same inspected as provided in this chapter he shall be fined in any sum not less than one hundred and not exceeding three hundred dollars; and if any person shall falsely brand any package, cask or barrel, as provided in section one hundred and forty-six, or shall refill and use any package, cask or barrel having the inspector's brand thereon, without having the oil therein inspected, he shall be fined in any sum not exceeding five hundred dollars, nor less than one hundred dollars, or be imprisoned in the county jail not exceeding six months, or both, at the discretion of the court.

For using false brands, etc.

For using uninspected oil. O. L., Vol. 81, p. 144, Sec. 398.

150. Whoever knowingly uses for illuminating purposes, any oil or product of petroleum, before the same has been inspected and branded by the state inspector, or his deputy, as hereinbefore provided, shall be fined in any sum not exceeding one hundred dollars, nor less than twenty dollars.

For selling casks without defacing brand. O. L., Vol. 81, p. 144, Sec. 399.

151. Any person selling or dealing in illuminating oils produced from petroleum, who sells or disposes of any empty barrel, cask, or package which has been branded by the inspector, or a deputy inspector, before thoroughly canceling, removing and effacing the inspector's brand on the same, shall be fined fifty dollars ($50) for each barrel, cask, or package thus sold or disposed of.

Oils shall not be adulterated. O. L., Vol. 81, p. 144, Sec. 400.

152. No person may adulterate with any substance whatever for the purpose of sale, or for illuminating purposes, any oil obtained from petroleum, or obtained from coal, in such manner as to render it dangerous to use; nor shall any person knowingly sell or offer for sale any oil obtained from petroleum, or from the products of either, for illuminating purposes within this state, which by reason of being adulterated, or for any reason whatever, will flash at a temperature less than one hundred and twenty degrees of Fahrenheit's thermometer and the test herein prescribed; but oils not bearing the test herein prescribed may be used in street lamps for lighting streets or public wharves, ways or alleys, and also the gas or vapor from such oils may be used for illuminating purposes, when the oils from which said gas or vapor is generated are contained in reservoirs under ground, outside the building illuminated or lighted by the gas or vapor, and a person violating any of the provisions of this section shall be punished by imprisonment in any county jail not more than one year, or by fine not exceeding five hundred dollars ($500), or by such fine and imprisonment, at the discretion of the court.

153. Whoever sells or keeps for sale, to be consumed in the state, any illuminating oil manufactured from petroleum or its products, and not inspected as provided in this chapter, shall be responsible to the party or parties injured for any violation of the provisions of this chapter by himself or by any clerk or person in his employ, in the sale of such oil.

Responsibility of dealers in oils. O. L., Vol. 81, p. 144, Sec. 401.

154. The inspector, or any deputy inspector, who shall know of the violation of any of the provisions of this chapter, shall enter complaint before any court of competent jurisdiction, against any person so offending; and in case any inspector or deputy inspector, having knowledge of the violation of the provisions of this chapter, shall neglect to enter complaint as required by and provided for in this chapter, he shall be fined in any sum not exceeding five hundred dollars, and be removed from his position as such inspector or deputy inspector.

Duties of inspector and deputies as to violation of law. O. L., Vol. 81, p. 145, Sec. 402.

155. No inspector or deputy inspector shall, while in office, traffic, directly or indirectly, in any article in which petroleum or other product thereof is a constituent part, which he is appointed to inspect, and in case of any violations of the provisions of this section by any inspector or deputy inspector, he shall be fined in any sum not exceeding five hundred dollars, and be removed from his position as such inspector or deputy inspector.

Inspector or deputy not to traffic in oils. O. L., Vol. 81, p. 145, Sec. 403.

All questions of dispute arising between the inspectors and manufacturers or dealers, shall be submitted to the professor of chemistry in the Ohio state university at Columbus, for consideration, and his decision shall be final.

Disputes, to whom submitted

156. Whoever shall knowingly sell or cause to be sold any oil mentioned in this chapter, for illuminating purposes, which is below one hundred and twenty degrees Fahrenheit when tested, as provided in section one hundred and forty-six, shall be liable to any person purchasing any of such oil, or to any person injured thereby, for all damages resulting from any explosion thereof, and it shall be no defense that the inspector's brand was upon the cask, or package or barrel from which the oil was taken.

Liability for damages. O. L., Vol. 81, p. 145, Sec. 404.

EXPLOSIVES.

157. In addition to the powers specifically granted in this title, and subject to the exceptions and limitations in other parts of it, cities and villages shall have the general powers enumerated in this section, and the council may provide by ordinance for the exercise and enforcement of the same:

R. S., Sec. 1692.

a. To regulate the transportation and keeping of gunpowder, and other explosive and dangerous combustibles, and to provide or license magazines for the same.

Explosives. 14.

158. Whoever manufactures the substance or material generally known as and called nitro-glycerine, or any compound thereof, within one hundred and sixty rods of any occupied dwelling or public building, or transports or carries the same in any package not having written or printed, upon two sides thereof, in plain and distinct letters, the words "Nitro-glycerine—dangerous," or in any vehicle or watercraft upon which any passenger is at the same time being conveyed, or in any vehicle upon the sides and ends of which there shall not have been printed, in plain and

Manufacture, storing and transportation of nitro-glycerine. R. S., Sec. 6953.

distinct letters, large enough to occupy a space two inches wide by eighteen inches long, the words "Nitro-glycerine—dangerous," shall be fined not more than one thousand dollars, or imprisoned not more than three months, or both.

Firing cannon or exploding gunpowder on public street. R. S., Sec. 7004.

159. Whoever, except in case of invasion by a foreign enemy, or to suppress insurrection or a mob, or for the purpose of raising the body of a person drowned, or for the purpose of blasting or removing rock, fires any cannon, or explodes at any time more than four ounces of gunpowder, upon any public street or highway, or nearer than ten rods to the same, shall be fined not more than fifty nor less than five dollars.

Sale or use of dynamite, etc. O. L., Vol. 82, p. 182.

160. It shall be unlawful for any person, firm or corporation to manufacture, sell or use the substance or material known as and called dynamite or other nitro explosive compound, within the state of Ohio, contrary to the provisions of this act.

Application for license to manufacture the same. O. L., Vol. 82, p. 182.

161. Whoever desires to engage in the manufacture of dynamite or any compound thereof, within the state of Ohio, shall first make application in writing to the common council of the city or incorporated village in which the same is to be located, or to the board of township trustees, if it is to be located without the corporate limits of a city or village, setting forth the fact of his or their intention to engage in the manufacture of dynamite or other nitro-explosive compound, the name in full of the person or persons comprising such firm, or, if a corporation, the names of the incorporators, an accurate description of the premises upon which it is to be located, and how far separated from other buildings, which statement shall be made under oath, signed by all the parties, or if a corporation, by the president and secretary thereof.

License, how granted. O. L., Vol. 82, p. 182.

162. The common council of any city or incorporated village within this state, or the trustees of any township, may, by a majority vote of all the members elected thereto, at a regular meeting, upon application duly made under the provisions of this act, grant a certificate of license to any person, firm or corporation, authorizing the same to manufacture the substance or material known as dynamite or other nitro-explosive compound, in accordance with the conditions and restrictions hereinafter mentioned.

Penalties in regard to the manufacture, storage and transportation of dynamite. O. L., Vol. 82. p. 182.

163. It shall be unlawful for any person, firm or corporation to engage in the manufacture of dynamite or other nitro-explosive compound, within this state, without having first procured the certificate of license provided for in the preceding section, or within one hundred and sixty rods of any occupied dwelling or public building, except that the trustees of any township may, if in their judgment they deem it expedient and proper, authorize the location and establishment of such manufactory at a less distance than one hundred and sixty rods from any occupied dwelling, and it shall also be unlawful for any person, firm or corporation, to store dynamite or other nitro-explosive compound, in any quantity exceeding one hundred pounds, within the limits of any municipal corporation, or within forty rods of any occupied dwelling or public building, or to transport or carry the same in any package not having written or printed upon two sides thereof in plain and distinct letters the words

"Dynamite—dangerous," or in any railroad car or water craft without having the packages containing the same marked as above; and any one convicted of the violation of the provisions of this section, shall be fined in any sum not less than three hundred nor more than five hundred dollars, or imprisoned in the county jail not less than three months nor more than one year, or both, at the discretion of the court.

Sales to minors or without labels; sales registered; penalties for violations of this act. O. L., Vol. 82, p. 183.

164. It shall be unlawful for any person, firm or corporation to sell or give away any quantity of the substance known as dynamite or other nitro-explosive compound to any minor, or to sell or give away the same to any person without marking the word "dynamite" upon the label, wrapper, or vessel containing it, and shall also register in a book, to be by him kept for that purpose, the day and date upon which it is sold, or given away, the quantity thereof, the name, age, sex, color and place of residence of the person obtaining the same, the purpose for which it is required, and the name and place of abode of the person for whom the same is intended; and any person convicted of the violation of the provisions of this section, shall be fined in any sum not less than one hundred dollars, or imprisoned in the county jail not less than three months, or both.

Unlawful use and possession of dynamite. O. L., Vol. 82, p. 183.

165. Whoever carries concealed on or about his person any cartridge, shell or bomb containing dynamite or other nitro-explosive compound, or has in his possession or under his control any dynamite or other nitro-explosive compound, for any other than legitimate and lawful use or uses, or attempts to use the same in any manner to the injury of persons or property, or shall place or deposit the same upon or about the premises of another, without the consent of such person, shall, upon conviction thereof, be imprisoned in the penitentiary not less than five years.

DEAD BODIES.

Penalty for corpse nuisance. R. S., Sec. 1470.

166. If the sexton or other person in charge of a township, or other cemetery suffers the dead to remain in any vault or other receptacle until the same become offensive, he shall be liable, on the complaint of any person before a justice of the peace of the township, to a fine of not over twenty dollars, and an additional penalty of five dollars for every day, after the fine aforesaid, that the nuisance is continued.

May be removed, etc. R. S., Sec. 1471.

167. The trustees shall, when the dead laid in any vault or other receptacle become offensive, on complaint of any householder of the township, issue an order forthwith to the sexton or other person in charge, to have the same immediately interred; and in case the interment is neglected for three days after the complaint, any justice of the peace of the township may issue his written order to any householder of the township to inter the dead at the expense of the trustees, and shall allow a reasonable charge for the service aforesaid.

See Sections 16 and 57; also, Sections 7034, 7034 a, 7035 and 7128 of the Revised Statutes.

A husband or wife, relict, is entitled to the possession of the body of the deceased wife or husband, for sepulture, and in the fitness for burial in which death leaves it.

It does not show an infringement on this right to possess the body with decency of death, for where the attendant physician, immediately on the death of decedent in a hospital without delaying the delivery of the body to the widow, made an incision in the body in order to ascertain the extent of an abscess, of which the patient had died, no part or organ being dismembered or removed, and the incision not being visible when the clothes are on. Farley v. Carson, 5 Bull. 786.

Corpse shipped C. O. D. not to be returned on non-payment. Express Company v. Epply, 1 Bull. 79.

FIREARMS.

Penalty for selling or giving, etc., fire-arms to minors. R. S. of '83, Vol. III, Sec. 6986 a.

168. Whoever sells, barters, or gives away to any minor under the age of fourteen years, any air-gun, musket, rifle-gun, shot-gun, revolver, pistol, or other fire-arm, of any kind or description whatever, or ammunition for the same, or whoever being the owner, or having charge or control of any such air-gun, musket, rifle-gun, shot-gun, revolver, pistol or other fire-arm knowingly permits the same to be used by such minor, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding one hundred dollars, or be imprisoned in jail not exceeding thirty days or both.

Unlawful to sell toy pistols to minors under fourteen years. R. S. of '83, Vol, III, Sec. 6986 b.

169. It shall be unlawful for any firm, company or person in the state of Ohio, to sell or exhibit for sale any pistol manufactured out of any metallic or hard substance, commonly known as the "toy pistol," to any minor under the age of fourteen years, any firm, company or person violating the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten nor more than fifty dollars, or be imprisoned not less than ten days nor more than twenty days, or both, and shall be liable to a civil action in damages to any person injured by such sale.

Penalty.

JAILS.

Jailer suffering jail to become unclean. R. S., Sec. 6916.

170. A sheriff, or jailer, or other person, having the care and custody of any jail, who suffers the same to become foul or unclean, so that the health of any prisoner may be endangered, or suffers any prisoner, sentenced to imprisonment for any criminal offense, to be dealt with in a manner less strictly than intended by the sentence, shall be fined not more than one hundred dollars.

Dealing with prisoner less strictly than sentence warrants.

The grand jury to visit the jail. R. S., Sec. 7209.

171. The grand jurors shall, once at each term of the court, visit the county jail, examine its state and condition, and inquire into the discipline and treatment of the prisoners, and their habits, diet, and accommodations; and they shall report to the court, in writing, whether the rules prescribed by the judge have been faithfully kept and observed, and whether any provision of law for the regulation of county jails has been violated, pointing out particularly in what such violation, if any, consists.

VACCINATION.

Board may make and enforce rules for vaccination. R. S., Sec. 3986.

172. The board of each district may make and enforce such rules and regulations to secure the vaccination of, and to prevent the spread of small-pox among, the pupils attending or eligible to attend the schools of the district, as in its opinion the

safety and interest of the public require; and the boards of health and councils of municipal corporations, and the trustees of townships, shall, on application of the board of education of the district, provide at the public expense, without delay, the means, of vaccination to such pupils as are not provided therewith by their parents or guardians.

See Section 34.

BUILDINGS.

Board of examiners of unsafe buildings. R. S., of '83, Vol. III, Sec. 2451.

173. In cities of the first and second class there shall be a board of examiners of insecure and unsafe buildings, which board shall consist of the mayor, fire marshal, and assistant fire marshals; and if in any city there be no fire marshal or assistant, then the city council shall appoint three suitable persons, who, with the mayor, shall constitute such board.

Duties of board. R. S., Sec. 2452.

174. Whenever said board of examiners are informed that any building or other structure, erected or in process of erection, is unsafe, or in a condition or situation to endanger the lives of persons passing by or residing in the vicinity thereof, or to endanger property, they shall forthwith proceed to have made a survey or examination of such building or structure, and if it appear that the same is unsafe, or in a condition or situation to endanger the lives of persons, or to injure property, they shall cause the owner or owners thereof, or his or their agent, to be notified to have the same removed, taken down, or otherwise properly secured, within a certain specified time, in the discretion of the board, after such notice is served or left at the last place of residence of such person; and should such person fail to comply with such notice, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof in the police or other court having jurisdiction, be fined in any sum not less than twenty-five dollars nor more than five hundred dollars, at the discretion of the court; and if said person, after a second notice is so served, fails or neglects to comply therewith, said board of examiners shall proceed forthwith to have such building or structure demolished, or so much thereof as may be necessary for the safety of persons or property, as the case may be.

When a person shall be deemed guilty of a misdemeanor.

Penalty.

Demolishing building.

First payment of cost of demolishing. R. S., Sec. 2453.

175. In case of the demolishing of any building or other structure by order of the board of examiners, the cost shall be paid in the first place by the city, out of the general fund, upon a proper voucher for the amount, signed by the mayor and fire marshal; and the auditor, upon the certificate of the fire marshal approved by the mayor, shall then make out bills for the cost of said work of demolishing such building or structure, or any part thereof, against the owners or agents of such building or structure, and in case said bills are not paid upon presentation to such owners or agents by said auditor, or within ten days thereafter, the said bills shall be placed in the hands of the city solicitor, who shall sue forthwith for the same, as in case of other debts due the city, and the amount of said bills shall be a first lien on the property until same is paid, and the amount when paid shall be credited to the general fund.

Bills against owner.

Secretary and his duties. R. S., Sec. 2454.

176. It shall be the duty of the secretary of the fire department to act as secretary for the board of examiners, and keep a

correct record of the proceedings of said board, in a suitable book or books for that purpose, said book or books to be under his control as secretary, and open to inspection at all times during business hours.

To regulate the erection of structures, etc. R. S., Sec. 2473.

177. The council shall have power to regulate the erection of houses and business structures, and, on the petition of the owners of not less than two-thirds of the ground included in any square, prohibit the erection on any such square of any building, or addition to any building, more than ten feet high, unless the outer walls be made of iron, stone, brick, and mortar, or of some of them, and to provide for the removal of any buildings or additions erected contrary to such prohibition; and in cities of the first class the council may prohibit, within such limits as it may deem proper, the erection of buildings unless the outer walls be constructed of iron, brick, and mortar, or stone, brick, and mortar.

Examination of public hall, etc., as to safety in case of fire. R. S., Sec. 2568.

178. On application of the owner or person having control of an opera-house, hall, theater, church, school-house, or other building, except buildings where secret societies are held, used for public assemblages, in any municipal corporation, the mayor, civil engineer, and chief engineer, of the fire department, or if such corporation has no such engineer, the mayor and two members of council, shall carefully make a joint examination of such opera-house, hall, theater, church, school-house, or other building, to ascertain the means provided thereat and therein for the speedy and safe egress of the persons that may at any time be there assembled, and the means provided for extinguishing a fire at or in such place; provided, that when the assembly rooms of such church are situated upon the ground floor, with a sufficient number of low windows, in the opinion of the commission above provided for, to secure safe and easy means of escape in case of alarm, they shall grant the certificate mentioned in the next following section.

Certificate in such case. R. S., Sec. 2569.

179. If, upon such examination, it is found that such opera-house, hall, theatre, church, school-house, or other building is abundantly provided with means for speedy and safe egress of the persons who may at any time be there assembled, and, if above the first floor, that it is provided therein with water or other equally efficient agency, and proper means to apply it, so that any fire which may occur at such place can be immediately extinguished, the mayor, and persons so acting with him, or a majority of the three, shall issue to such owner or person having control as aforesaid, a certificate of the fact, which shall continue in force one year, unless sooner revoked by council.

Re-examination in case of change in building. R. S., Sec. 2570.

180. If any change or alteration is made in such building, the owner or person having charge of it shall notify the mayor of the fact, who shall cause to be made a re-examination in all respects like that provided for in the last section, and if upon such examination such owner, or person having control, is entitled to such certificate as is mentioned in the last section, it shall be issued to him, with like effect.

Appeal of owner or person in control from refusal to issue certificate. R. S., Sec. 2571.

181. If any owner or person having control of such place, as aforesaid, shall feel himself aggrieved by the refusal of such officers to issue any such certificate, he may appeal from the

decision to the council, which shall appoint three disinterested persons to examine the premises, any two of whom may issue the certificate provided for in sections one hundred and seventy-nine and one hundred and eighty.

Penalties against owner or person having control. R. S., Sec. 2572.

182. Whoever, being the owner or having control as an officer, agent or otherwise, of any opera-house, hall, theater, church, school-house, or other place for [the] public assemblage of people, in a municipal corporation, permits it to be used when any door affording exit therefrom is locked or barred, or opens inwardly; when the place is not provided with ample means for the safe and speedy egress of the persons who may be so assembled; when, if it is on another than the first floor, sufficient water and proper means to apply it, or other efficient means, are not provided in such place to extinguish any fire which may occur thereat; or when the certificate provided for in section one hundred and seventy-nine or section one hundred and eighty, as the case may be, has not been issued, or is not in full force, shall, for each day or night he permits such place to be so used or occupied, forfeit and pay any sum not more than one thousand dollars, nor less than fifty dollars, to be recovered, with costs, in a civil action, in the name and for the use of the municipal corporation; and it shall be the duty of the mayor, with the aid of the police, to see that the provisions of this section are strictly enforced.

Duties of factory-men, hotel-keepers, etc., as to fire escapes. R. S. of '83, Vol. III. Sec. 2573.

183. It shall be the duty of any owner or agent for owner of any factory, workshop, tenement house, inn, or public house, if such factory, workshop, tenement house, inn, or public house be more than two stories high, to provide a convenient exit from the different upper stories of said building, which shall be easily accessible in case of fire, and any owner or person having control of any such inn or public house where travelers or boarders are lodged in any story above the second story of the building, shall also provide a good rope or other life line for each sleeping-room for guests in such stories.

Section 183 does not impose upon any owner in fee of a building more than two stories high, the duty to provide a convenient exit from different upper stories of said buildings when such owner is not in possession or control thereof, although his tenant in possession and control of the building may use the same as a factory or workshop. Lee v. Smith, 42 O. S. R., p. 458.

Duties of Inspectors of workshops and factories. O. L., Vol. 82, p. 179. Sec. 2573. a, 3.

184. The chief inspector and district inspectors shall give their whole time and attention to the duties of their offices respectively; it shall be their duty to visit all shops and factories in their respective districts as often as possible, to see that all the provisions and requirements of this act are strictly observed and carried out; they shall carefully inspect the sanitary condition of the same [and it shall be their duty] to examine the system of sewerage in connection with said shops and factories, the situations and conditions of water-closets or urinals in and about such shops and factories, and also the system of heating, lighting and ventilating all rooms in such shops and factories where persons are employed at daily labor; also as to the means of exit from all such places in case of fire or other disaster, and also all belting, shafting, gearing, elevators, drums and machinery of every kind and description in and about such shops and factories, and see

that the same are not located so as to be dangerous to employes when engaged in their ordinary duties, and that the same, so far as practicable, are securely guarded, and that every vat, pan or structure filled with molten metal or hot liquid shall be surrounded with proper safe-guards for preventing accident or injury to those employed at or near them; and that all such are in a proper sanitary condition, and are adequately provided with means of escape in case of fire or other disaster.

Right to enter shops and factories. O. L., Vol. 82, p. 179, Sec. 2573.b

185. Said inspectors shall have entry into all such shops or factories at all reasonable times, and it shall be unlawful for the owner, proprietors, agents or servants in such factories or shops to prevent, at all reasonable hours, their entry into such shops or factories, for the purpose of such inspections.

Notice of necessary alternations or additions; penalty for not making same. O. L., Vol. 82, p. 179, Sec. 2573.c.

186. Said inspectors, if they find upon such inspection that the heating, lighting, ventilation or sanitary arrangement of any such shop or factory is such as to be injurious to the health of persons employed or residing therein, or that the means of egress in case of fire or other disaster is not sufficient, or that the belting, shafting, gearing, elevators, drums and machinery in such shops and factories are located so as to be dangerous to employes, and not sufficiently guarded, or that the vats, pans or structures, filled with molten metal or hot liquid, are not surrounded with proper safe-guards for preventing accident or injury to those employed at or near them, shall notify the owners, proprietors or agents of such shops or factories to make the alterations or additions necessary within thirty (30) days, and if such alterations or additions are not made within thirty (30) days from the date of such notice, or within such time as said alterations can be made with proper diligence upon the part of said proprietors and owners, said proprietors, owner or agent so notified shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than two hundred (200) and not less than ten (10) dollars, which fine shall be paid into the treasury of the county in which conviction is had.

Duty of mayor to require such escapes; penalty for failure to comply. R. S. of '83, Vol. III, Sec. 2574.

187. It shall be the duty of the mayor of each city or village to require the owner or agent for owner of any factory, workshop, tenement house, or inn or public house, within the meaning of the next preceding section, to comply with the requirements of said section within sixty days from the serving of a notice by the mayor so to do, unless such owner or agent for owner shall have previously complied with the requirements of section one hundred and eighty-three, and if any such owner or agent of owner neglects or refuses to comply with the requirements of the next preceding section within the time specified in said notice, he shall forfeit not less than fifty nor more than three hundred dollars for each and every month he so fails to comply therewith, the amounts so forfeited to be recovered in the name of and for the use of such city or village in an action in the police court or other competent tribunal; such owner or agent for owner may also be held for civil damages to the party injured.

Mayor to examine building once a year. R. S. of '83, Vol. III, Sec. 2575.

188. It shall be the duty of the mayor of such city or village, personally, or by the marshal or head of police of such city or village, or other proper person whom the mayor may appoint

acting under the direction of the mayor, as inspectors of fire-escapes, to carefully examine such factories, workshops, tenement houses, inns or public houses once in each year, and report all violations of the provisions of sections one hundred and eighty-three and one hundred and eighty-seven to the council of such city or village, when proceedings shall be commenced, without unnecessary delay, against the person so offending, and said mayor, marshal, or head of police, or person so appointed by the mayor to act as inspector of fire-escapes, shall be entitled to receive for said notices and said examination such fees as the council may by ordinance provide.

Compensation.

189. Whoever, being the owner of a hall, theater, opera-house, church, or school-house, having the control thereof, individually or by virtue of his office, as agent of any society or corporation, permits the same to be used for the purpose of public assemblies or schools, without having the certificate required by law that the same is provided with the means of speedy and safe ingress and egress, shall be fined not more than one thousand dollars for each and every such offense; nor shall it be lawful for any owner, lessee, or proprietor of a hall, theater, or opera-house to block up the aisles and hall-ways therein by placing chairs, stools, or permitting them to be occupied by persons standing therein, or by any obstructions whatever to the danger of those those occupying sittings therein, by cutting off an escape and easy egress therefrom, under the penalty as above enumerated in this section for not providing means for escape in case of fire or other casualties.

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